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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



JOHN R. ASHCROFT
SECRETARY OF STATE

MISSOURI
REGISTER

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JOHN R. ASHCROFT

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

EDITOR-IN-CHIEF

CURTIS W. TREAT

•
EDITOR

VONNE KILBOURN

•
ASSOCIATE EDITOR

JENNIFER ALEX MOORE

•
PUBLICATION SPECIALIST

JACQUELINE D. WHITE

•
ADMINISTRATIVE AIDE

TAMMY WINKELMAN

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MISSOURI REGISTER



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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at sos.mo.gov/adrules/pubsched.

HOW TO CITE RULES AND RSMO

RULES

The rules are codified in the *Code of State Regulations* in this system—

Title		Division	Chapter	Rule
3 Department	CSR <i>Code of State Regulations</i>	10- Agency Division	4 General area regulated	.115 Specific area regulated

and should be cited in this manner: 3 CSR 10-4.115.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraphs 1., subparagraphs A., parts (I), subparts (a), items I. and subitems a.

The rule is properly cited by using the full citation, for example, 3 CSR 10-4.115 NOT Rule 10-4.115.

Citations of RSMo are to the *Missouri Revised Statutes* as of the date indicated.

Code and Register on the Internet

The *Code of State Regulations* and *Missouri Register* are available on the Internet.

The *Code* address is sos.mo.gov/adrules/csr/csr

The *Register* address is sos.mo.gov/adrules/moreg/moreg

These websites contain rulemakings and regulations as they appear in the *Code* and *Registers*.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) business days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 90—Home Health Program

ORDER TERMINATING EMERGENCY AMENDMENT

By the authority vested in the Department of Social Services, MO HealthNet Division, under section 208.152, RSMo Supp. 2020, and sections 208.153, 208.201, and 660.017, RSMo 2016, the division hereby terminates an emergency amendment effective May 13, 2021, as follows:

13 CSR 70-90.010 Home Health-Care Services is terminated.

A notice of the emergency rulemaking containing the text of the emergency amendment was published in the *Missouri Register* on April 1, 2021 (46 MoReg 601-602). The emergency amendment was scheduled to go into effect July 1, 2021. It is being terminated before going into effect.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE Division 80—State Milk Board Chapter 5—Inspections

PROPOSED AMENDMENT

2 CSR 80-5.010 Inspection Fees. The board is amending the purpose and section (1).

PURPOSE: This rule complies with section 196.945, RSMo. to set inspection fees for Fiscal Year 2022 for milk produced on farms inspected by State Milk Board and milk imported from points beyond the limits of routine inspection.

PURPOSE: This rule complies with section 196.945, RSMo to set inspection fees for Fiscal Year [2021] 2022 for milk produced on farms inspected by State Milk Board and milk imported from points beyond the limits of routine inspection.

(1) The inspection fee for Fiscal Year [2021] 2022 (July 1, 2022/O1-June 30, 2022/1/2) shall be four and a **[half]** **quarter** cents (**/4.5/4.25¢**) per hundred weight on milk produced on farms inspected by the State Milk Board or its contracted local authority and four **[and a quarter]** cents (**4/.25¢**) per hundred weight on milk imported from areas beyond the points of routine inspection.

AUTHORITY: section 196.939, RSMo 2016. Original rule filed April 12, 1977, effective Sept. 11, 1977. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 4, 2021.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Agriculture, State Milk Board, Amy Luecke, PO Box 630, Jefferson City, MO 65102 or by email to amy.luecke@mda.mo.gov. To be considered, comments must be received within thirty (30) days of publication of this notice in the *Missouri Register*. A public hearing is scheduled for July 16, 2021 from 10:00 – 11:00 am at Missouri Department of Agriculture, 1616 Missouri Boulevard, Jefferson City, MO 65109 in State Milk Board Office.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 20—Division of Learning Services Chapter 400—Office of Educator Quality

PROPOSED RESCISSION

5 CSR 20-400.360 Missouri Critical Teacher Shortage Forgivable Loan Program. This rule established the criteria for the critical teacher shortage forgivable loan program, set forth in section 168.600, RSMo. The rule provided for forgivable loans of up to four thousand dollars (\$4,000) for undergraduate students and eight thousand dollars (\$8,000) for graduate students who declared an intent to teach in Missouri public elementary and secondary schools in critical teacher shortage areas.

PURPOSE: The Department of Elementary and Secondary Education is rescinding this rule because the legislature did not authorize funding for this program and then repealed the statute authorizing it, section 168.600, RSMo, in 2012.

AUTHORITY: sections 161.092 and 168.600, RSMo 2000. This rule previously filed as 5 CSR 80-850.025. Original rule filed June 28, 2001, effective Jan. 30, 2002. Moved to 5 CSR 20-400.360, effective Aug. 16, 2011. Rescinded: Filed May 14, 2021.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Elementary and Secondary Education, ATTN: Dr.

Paul Katnik, Assistant Commissioner, Office of Educator Quality, PO Box 480, Jefferson City, MO 65102-0480 or by email to educatorquality@dese.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 100—Office of Quality Schools**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and section 161.670, RSMo Supp. 2020, the board amends a rule as follows:

5 CSR 20-100.230 is amended.

A notice of proposed rulemaking containing the text of proposed amendment was published in the *Missouri Register* on January 15, 2021 (46 MoReg 47-49). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received comments from twenty-one (21) individuals and organizations regarding the proposed amendment. For clarity, individuals and organizations submitting multiple comments are provided as separate entries.

COMMENT #1: Dr. Vicki McNamara, past president of MO-CASE, commented her appreciation for the work the Missouri Course Access and Virtual School Program (MOCAP) department is doing to support students with disabilities.

RESPONSE: No changes have been made to this amendment as a result of this comment of support.

COMMENT #2: Dr. Todd Fraley, Assistant Superintendent, Sedalia

School District, commented that districts should not be financially responsible for MOCAP courses when they have no control over student participation and completion.

RESPONSE: Section 161.670, RSMo, specifies the payment requirements for MOCAP enrollments. No changes have been made to this amendment as a result of this comment.

COMMENT #3: Dr. Todd Fraley, Assistant Superintendent, Sedalia School District, commented that districts should be able to log in and monitor student progress for students they are paying for and accountable for on state testing.

RESPONSE: Subparagraph (6)(B)1.B. requires providers to supply the local education agency (LEA) with a secure online portal, updated at least weekly, with progress reporting on students. No changes have been made to this amendment as a result of this comment.

COMMENT #4: Jeff Lancial, Director, State Account Relations for Pearson Online and Blended Learning, requested a grandfather clause so a full-time virtual school program like Missouri Connections Academy does not have to make unplanned or non-feasible changes to meet the requirements of the Requests for Proposals (RFP).

RESPONSE: The Department of Elementary and Secondary Education (department) is working to align requirements for the MOCAP providers that join the program either through an LEA partnership or the procurement processes. These requirements are based on section 161.670, RSMo, section 162.1250, RSMo, and applicable state and federal laws. No grandfather clause can be instituted for these requirements. No changes have been made to the amendment based on this comment.

COMMENT #5: Jeff Lancial, Director, State Account Relations for Pearson Online and Blended Learning, shared concern that the rule and level of reporting would discourage virtual providers from establishing 1:1 partnerships with LEAs, which is not the intention of MOCAP.

RESPONSE: The requirements of the rule are based on section 161.670, RSMo, section 162.1250, RSMo and applicable state and federal laws. No changes have been made to the amendment based on this comment.

COMMENT #6: Jeff Lancial, Director, State Account Relations for Pearson Online and Blended Learning, made a general comment about Missouri Connections Academy's (MOCA) partnership with MOCAP that was unresponsive to the rule.

RESPONSE: No changes have been made to the amendment based on this unresponsive comment.

COMMENT #7: Jeff Lancial, Director, State Account Relations for Pearson Online and Blended Learning, commented on paragraph (4)(B)2. requesting further information be included in rule about how LEAs join the MOCAP catalog.

RESPONSE: Further information is provided on the MOCAP website. No changes have been made to the amendment based on this comment.

COMMENT #8: Jeff Lancial, Director, State Account Relations for Pearson Online and Blended Learning, commented on paragraph (4)(B)3. that "and other requirements for doing business in Missouri, if requested," is too vague. Pearson suggested a change to include as "required by law."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees and will amend paragraph (4)(B)3. to include "as required by law" for clarity.

COMMENT #9: Jeff Lancial, Director, State Account Relations for

Pearson Online and Blended Learning, commented on subparagraphs (4)(B)3.A.-I. that there are no issues/concerns with subparagraphs A., B., C., D., E., F., H., & I. Pearson requested that the checklist in subparagraph G. be posted to the website within ten (10) days of submission.

RESPONSE: The department agrees to post the Special Education Accommodations and Modifications Checklist to the MOCAP website. No changes have been made to the amendment as a result of this comment.

COMMENT #10: Jeff Lancial, Director, State Account Relations for Pearson Online and Blended Learning, requested in regard to subparagraph (6)(B)1.A. that the format be communicated six (6) months ahead of time.

RESPONSE: The department will inform providers about any changes with as much notice as possible but cannot guarantee six (6) months of advanced notice. No changes have been made to the amendment as a result of this comment.

COMMENT #11: Jeff Lancial, Director, State Account Relations for Pearson Online and Blended Learning, requested in regard to subparagraph (6)(B)1.B. the ability to auto load reports.

RESPONSE: This comment deals with specific processes and the department declines to address the issue in the amendment. No changes have been made to the amendment based on this comment.

COMMENT #12: Jeff Lancial, Director, State Account Relations for Pearson Online and Blended Learning, commented on subparagraph (6)(B)1.C. requesting a grandfather clause, because this is not a current function of its Learning Management System (LMS).

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to remove the language of subparagraph (6)(B)1.C. The department will explore reporting solutions that includes this type of customized reporting.

COMMENT #13: Jeff Lancial, Director, State Account Relations for Pearson Online and Blended Learning, commented on subparagraph (6)(B)1.D. that "This makes sense for a single course, however for a full-time virtual school, we'd like you to consider allowing monthly invoicing based on attendance, similar to a brick and mortar schools. No objections to providing student progress."

RESPONSE: Sections 161.670 and 162.1250, RSMo, outline payment for MOCAP and attendance for virtual courses. These sections do not allow for MOCAP providers to invoice based on attendance similar to brick and mortar schools. No changes have been made to the amendment based on this comment.

COMMENT #14: Jeff Lancial, Director, State Account Relations for Pearson Online and Blended Learning, commented on subparagraph (6)(B)1.E. requesting a grandfather clause because "Although we comply with up-to-date records, our LMS does not include the access this implies."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to clarify in subparagraph (6)(B)1.E. that the provider must ensure teachers keep up to date records, so the progress is available to be viewed online but not necessarily through the LMS or Student Information System (SIS).

COMMENT #15: Jeff Lancial, Director, State Account Relations for Pearson Online and Blended Learning, made an unresponsive comment about MOCA's experience partnering with LEA's in relation to special education students.

RESPONSE: No changes have been made to the amendment based on this unresponsive comment.

COMMENT #16: Jeff Lancial, Director, State Account Relations for Pearson Online and Blended Learning, commented on subsection (9)(B) that Pearson has no issues with paragraphs 1.-3. or 5. of this

subsection. In paragraph (9)(B)4., Pearson did request flexibility with student-teacher ratios during times of rapid enrollment and clarification on non-core courses like PE.

RESPONSE: Section 161.670, RSMo requires MOCAP teachers be certified. Clarification about student-teacher ratios is provided on Comment # 21. No additional changes have been made to the amendment based on this comment.

COMMENT #17: Dr. Jerry D. Hobbs, of Flotron & McIntosh, commented that paragraph (2)(A)1. should be amended to read: "LEAs shall ensure that availability of the program is made in a 'Clear and Conspicuous Manner' in the:

- a. Parent/Guardian Handbook;
- b. Registration Documents; and
- c. Homepage of LEA Website"

RESPONSE: Section 161.670, RSMo, requires: "School districts or charter schools shall inform parents of their child's right to participate in the program. Availability of the program shall be made clear in the parent handbook, registration documents, and featured on the home page of the school district or charter school's website." The language of the rule aligns with statute requiring program availability be made clear. See comment #37 for a change to this language. No additional changes have been made to the amendment based on this comment.

COMMENT #18: Dr. Jerry D. Hobbs, Flotron & McIntosh, commented on paragraph (2)(A)2. that a student who has completed a semester of public school in another state would also meet the requirements of section 161.670, RSMo. Adding "Missouri public school" to the rule is an overreach of the intent of the law. Requiring a "Missouri public school" would negatively impact military families and families that move into our state.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to remove "Missouri" in order to align with the wording of section 161.670, RSMo.

COMMENT #19: Dr. Jerry D. Hobbs, Flotron & McIntosh and the Children's Education Alliance of Missouri, commented on paragraph (9)(A)1. that parents are part of the IEP team but could still be denied MOCAP enrollment. The comments request that the language be changed to reflect that parents have final say on MOCAP enrollment.

RESPONSE: Federal law mandates the decision-making process for the placement of students with disabilities is the IEP Team or the Section 504 committee. No changes have been made to the amendment based on this comment.

COMMENT #20: Dr. Jerry D. Hobbs, Flotron & McIntosh, commented on paragraph (9)(B)1. that it would be impossible for MOCAP providers to meet start and end dates for all the LEAs in Missouri. Dr. Hobbs gives the example of dual enrollment and interactive television (ITV) courses and says that MOCAP providers should not be held to a higher standard than these other programs.

RESPONSE AND EXPLANATION OF CHANGE: Due to the number of varying calendars used by LEAs the department will remove the language of paragraph (9)(B)1., while continuing to work to find a solution in the best interest of students.

COMMENT #21: Dr. Jerry D. Hobbs, Flotron & McIntosh, and Children's Education Alliance, of Missouri commented on paragraph (9)(B)4. about student-teacher ratios. The comments suggest that a better standard for synchronous providers would be meeting Missouri School Improvement Program (MSIP) class size guidelines, and that there should be no cap for asynchronous courses since students work at their own pace.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to change the wording of paragraph (9)(B)4. to reflect that student-teacher ratios for all MOCAP courses shall not exceed the recommended MSIP classroom guidelines for seated instruction.

Asynchronous courses will be held to the same requirement, because asynchronous teachers are providing instruction, feedback, enrichment, and remediation for students just as a synchronous teacher does.

COMMENT #22: Dr. John Jungmann, Superintendent, Springfield Public Schools (SPS), and Dr. David Schmitz, Superintendent, Lebanon R-3 School District, commented that they support the efforts of the department to formalize accountability structures for MOCAP providers who enter as an LEA or LEAs that sponsor vendors.

RESPONSE: No changes have been made to this amendment as a result of this comment of support.

COMMENT #23: Dr. John Jungmann, Superintendent, SPS, and Dr. David Schmitz, Superintendent, Lebanon R-3 School District, commented they support the revocation, suspension, or corrective action of providers who fail to meet section 161.670.3(14), RSMo, requirements. They also encouraged the department to develop annual accountability structures to assure compliance is in place.

RESPONSE: No changes have been made to this amendment as a result of this comment of support.

COMMENT #24: Dr. John Jungmann, Superintendent, SPS, commented that SPS supports several areas of the proposed amendment to the rule each is listed below:

- Paragraph (2)(B)1.: SPS supports the department in the efforts to require providers to have ongoing weekly interaction, as student-teacher interactions are critical to the learning experience.
- Paragraph (2)(B)3.: SPS supports the requirement that LEAs know who are teaching their students and be able to contact them.
- Paragraphs (4)(B)2. and 3.: SPS supports the department establishing timelines for vendors and LEAs to enter as MOCAP providers.
- Paragraph (4)(B)4.: SPS supports that LEA sponsorship of for-profit providers held to the same accountability standards and obligations of this rule.
- Section (7): SPS is supportive of the continued involvement of both the IEP and 504 teams of the LEA to determine the educational interest of the child seeking virtual courses.

RESPONSE: No changes have been made to this amendment as a result of these comments of support.

COMMENT #25: Dr. John Jungmann, Superintendent, SPS, commented on paragraph (2)(A)2. that SPS supports the department's eligibility requirement of MOCAP starting in kindergarten. However SPS requested that enrollment in a school sponsored early childhood program not be allowed to meet the requirement for prior semester enrollment.

RESPONSE: The eligibility requirements for MOCAP enrollment are outlined in section 161.670, RSMo, and include eligibility starting at kindergarten and only if students have attended the semester prior. A kindergartener who attended the semester prior as part of an early childhood program would meet these requirements. No changes have been made to the amendment as a result of this comment.

COMMENT #26: Dr. John Jungmann, Superintendent, SPS, and Dr. David Schmitz, Superintendent, Lebanon R-3 School District, commented on paragraph (2)(B)2. that they support enrolled students having multiple methods of communication with the teacher. However, there are concerns with the requirement of a direct telephone number for liability reasons. They recommend the following language be removed: "This must include providing students with a direct telephone number or extension of each teacher."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to amend the language of paragraph (2)(B)2. to clarify there must be a "direct form of verbal communication" available to stu-

dents. This may be by telephone or another solution integrated in the LMS.

COMMENT #27: Dr. John Jungmann, Superintendent, SPS, commented on subparagraph 4(B)3.B. that SPS would like to see language added outlining what steps will be taken if providers or LEAs have Family Educational and Privacy Act (FERPA) data violations.

RESPONSE: In the event of a breach of student personally identifiable information, several factors can affect the steps necessary to respond. As stated in the rule, sections 162.1475 and 407.1500, RSMo, will be followed. No changes have been made to the amendment based on this comment.

COMMENT #28: Dr. John Jungmann, Superintendent, SPS, and Dr. David Schmitz, Superintendent, Lebanon R-3 School District, commented on subparagraphs (6)(B)1.B.-D. that they were encouraged to see the department require providers to supply weekly progress monitoring of students and more detailed billing. They feel accountability around this expectation must also be established.

RESPONSE: No changes have been made to the amendment as a result of this comment of support.

COMMENT #29: Dr. John Jungmann, Superintendent, SPS, commented on subparagraph (6)(B)1.E. supporting the change but asking that "weekly" be included for clarity, as this would make weekly progress reports available.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to add "weekly" for clarity. See comment #14 for additional changes made to this language.

COMMENT #30: Dr. John Jungmann, Superintendent, SPS, and Dr. David Schmitz, Superintendent, Lebanon R-3 School District, commented on subparagraph (9)(A)1.C. in support of the IEP and 504 teams determining student enrollment. However, they recommend the language relating to the IEP or 504 plan be changed to "may be" instead of "will be," as a change may not always be necessary.

RESPONSE AND EXPLANATION OF CHANGE: For clarity the department will adjust wording from "will" to "may."

COMMENT #31: Dr. John Jungmann, Superintendent, SPS, commented on subparagraph (9)(A)1.D. that SPS supports the provider's role in providing IEP data to the LEA and recommends removing "provision of reports," because it is too vague and could cause confusion.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to remove "provision of reports" for clarity.

COMMENT #32: Dr. John Jungmann, Superintendent, SPS, commented on paragraph (9)(B)1. that SPS disagrees with the requirement that pacing charts be aligned with the LEAs' start and end date. SPS feels this would create rolling start dates and negatively impact students, since each LEA has different dates. SPS recommends: "Providers shall ensure that pacing charts are integrated in the LMS and provide established start and end dates."

RESPONSE: Please see comment #20 for changes to this language. No additional changes have been made to the amendment based on this comment.

COMMENT #33: Dr. John Jungmann, Superintendent, SPS, and Dr. David Schmitz, Superintendent, Lebanon R-3 School District, commented on paragraph (9)(B)4. that they recognize the department's desire to establish class sizes for a virtual environment, and recommend the virtual class sizes not exceed the current classroom size guidelines for seated instruction recommended by MSIP.

RESPONSE: Please see comment #21 for changes. No additional changes have been made to the amendment based on this comment.

COMMENT #34: Dr. John Jungmann, Superintendent, SPS, commented on paragraph (9)(B)5. that SPS recommends removing this

language from the rule, because the same reporting requirements are not required in seated environments.

RESPONSE: All MOCAP courses are taught by appropriately certified Missouri teachers, as required in sections 161.670.10 and 162.1250.4, RSMo. The MOCAP office is responsible for ensuring teacher certification standards are met for LEAs enrolling students in courses. To do so, the MOCAP office must verify all teachers before course options are included in the catalog, and all changes must be verified before teachers serve Missouri students. No changes have been made to amendment based on this comment.

COMMENT #35: Dr. John Jungmann, Superintendent, SPS, commented on part (9)(B)6.A.(II) While SPS is supportive of the provider's role in implementing the IEP, SPS recommends removing "provision of reports" from the language as it is too vague and could cause confusion.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to remove "provision of reports" for clarity and consistency with previous changes. Please also see comment #31.

COMMENT #36: The National Coalition for Public School Options-Missouri Chapter (PSO-MO) made several general comments relating to virtual learning in the state of Missouri, but not commenting directly on the amendment.

RESPONSE: No changes have been made to the amendment based on these general comments.

COMMENT #37: PSO-MO and Children's Education Alliance of Missouri commented on paragraph (2)(A)1. that the proposed amendment does not cover the statutory-based requirements for parent notice. PSO-MO said specifically that "made clear" is the correct standard for the handbook and registration documents but that the LEA homepage has the further statutory requirement of being "featured." The Children's Education Alliance of Missouri also requested a punitive measure for districts who ignore the law.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to add "featured" to the notification requirement of the homepage, as it will align to statute requirements.

COMMENT #38: PSO-MO commented that the proposed amendment should go further to specify that MOCAP enrollment processes be substantially similar to typical processes. They also requested that the language clarify "that the district may not show partiality or bias in presenting information on MOCAP options, and that students may not be put through a different process depending upon their choice."

RESPONSE: Section 161.670, RSMo, does specify that enrollment processes must be substantially similar. Section 161.670, RSMo, does not bar LEAs from conferencing with parents and students to help them choose a provider in the best educational interest of their student. No changes have been made to the amendment based on this comment.

COMMENT #39: PSO-MO expressed concern about paragraph (2)(A)2. that a ban on fall kindergarten MOCAP enrollment should not be adopted by rule, because kindergarteners are not eligible to attend the semester prior.

RESPONSE: Per section 161.670.3(1)(a), RSMo, kindergarten students would be eligible to enroll in MOCAP, provided they have been enrolled in and have attended a public school for "at least one semester immediately prior to enrolling in" MOCAP. No changes have been made to the amendment based on this comment.

COMMENT #40: PSO-MO and Children's Education Alliance of Missouri commented on paragraph (2)(B)3. with concerns that LEAs should not have access to communication with provider teachers. Concerns noted were that provider teachers would have to answer questions from their employer (the provider), parents, and now LEAs. The Children's Education Alliance of Missouri noted this

would take teachers away from their core mission and is not a requirement in place for other programs like dual enrollment programs. PSO-MO commented that it may be unwanted or confusing for families. They added that according to the statute, LEAs play an indirect role by monitoring students, and that it is inconsistent with state law to require that provider educators report to and be accountable to LEAs.

RESPONSE: The student remains a student of the LEA when enrolled with the MOCAP provider. The LEA is paying for the student and is accountable for their success. According to section 161.670.3.(7), RSMo, LEAs must provide annual feedback to the department on course quality, and access to provider teachers is critical to that process. LEAs are also responsible for transitioning students out of MOCAP when they are not having their educational needs met, and this access is critical for helping LEAs with this responsibility. Lastly, LEAs remain responsible for students with IEPs and 504 plans, which often necessitates communication directly with the teacher. No changes have been made to the amendment based on this comment.

COMMENT #41: PSO-MO and Children's Education Alliance of Missouri expressed concern that subsection (3)(B) could be interpreted to retroactively retract student credits. The comments communicated that this would be unfair to families, and that if there is a problem with a provider, the statute provides for remedies, but the students should be held harmless.

RESPONSE AND EXPLANATION OF CHANGE: For clarity the department will remove "meets all the criteria set forth in the rule" and will replace it with "as long as the provider and course are MOCAP approved."

COMMENT #42: PSO-MO and Children's Education Alliance of Missouri commented on section (4) that the only prerequisite to being deemed approved by statute is that the course or program offered by the LEA must assure compliance with section 162.1250, RSMo. PSO-MO also commented that these proposed rules create barriers to entry by new courses and programs, and are in direct violation of state law and an order handed down by the judicial branch.

RESPONSE: Section 161.670.12, RSMo, says "The state board of education through the rulemaking process and the department of elementary and secondary education in its policies and procedures shall ensure that multiple content providers and learning management systems are allowed, ensure digital content conforms to accessibility requirements, provide an easily accessible link for providers to submit courses or full-time virtual schools on the Missouri course access and virtual school program website, and allow any person, organization, or entity to submit courses or full-time virtual schools for approval. No content provider shall be allowed that is unwilling to accept payments in the amount and manner as described under subdivision (3) of subsection 3 of this section or does not meet performance or quality standards adopted by the state board of education." The department would note that there are a variety of state and federal laws and other standards, which are outlined in the regulation, that are necessary to both provide educational services and do business with the state of Missouri. Please see comment #8 and comment #68 for clarification on the wording in section (4). No additional changes were made to the amendment based on this comment.

COMMENT #43: PSO-MO commented on subparagraph (6)(B)1.B. that "this section of the rule should clarify that access to the reporting as directed by the department is sufficient to satisfy any monitoring responsibilities of the LEA, and that the LEA may not require additional steps from students and families." PSO-MO also requested that this section clarify that LEAs may not impose additional monitoring requirements that fall directly on students or their families.

RESPONSE: According to section 161.670, RSMo, the student remains part of the resident district, and the resident district is

required to adopt policies pertaining to MOCAP enrollment. No changes have been made to the amendment based on this comment.

COMMENT #44: PSO-MO commented on subparagraph (6)(B)1.E. that once families choose a full-time MOCAP setting for their child, often they do not want LEA involvement, including in the LMS. They believe that this could create confusion and conflicting instructions. Further, the LEA should not be involved with the day-to-day instruction and delivery of educational services, as state law specifies that the department is to provide data on students' progress and success to the LEA for monitoring purposes.

RESPONSE: MOCAP students remain a student of their resident district, pursuant to section 161.670, RSMo. Please see comment #14 and #29 for changes to the language of this section. No additional change was made to the amendment based on this comment.

COMMENT #45: PSO-MO and Children's Education Alliance of Missouri commented on paragraph (9)(B)1. that it is impossible for providers to align with all districts' start and end dates in Missouri. Children's Education Alliance of Missouri also commented that many families seek virtual education programs because they want a different experience than brick-and-mortar schools.

RESPONSE: Please see comment #20 for changes to language. No additional changes have been made to the amendment based on this comment.

COMMENT #46: PSO-MO commented on paragraph (9)(B)4. that virtual providers need flexibility for staffing that reflects the mode of delivery. "It is our experience that because of the efficiencies of virtual education, virtual class sizes may be larger than class sizes where there is in-person instruction." PSO-MO requests that these decisions not be made for all of the MOCAP programs, since the programs are meant to be flexible and innovative.

RESPONSE: See comment #21 for changes to language. No additional changes have been made to the amendment based on this comment.

COMMENT #47: Department staff recommended the replacement of "Request for Proposals (RFP)" in the purpose with "procurement processes" to allow flexibility for the department to utilize an Invitation for Bid (IFB) if necessary in the future.

RESPONSE AND EXPLANATION OF CHANGE: The text is revised to make this change.

COMMENT #48: Children's Education Alliance of Missouri commented on paragraph (6)(B)1. that the requirements are unnecessary and would create an impossible level of responsiveness for the providers. The comment requested that information be provided to families, and then reported to LEAs and the department, in a standard format.

RESPONSE: Please see comments #10-12 for further clarifications made by the department. No additional changes have been made to the amendment based on this comment.

COMMENT #49: Children's Education Alliance of Missouri made several comments on paragraph (2)(A)2. They stated that kindergarten students should be able to enroll without having to attend in person for a semester, because the law provides exemptions for the one- (1-) semester requirement, including certain conditions that prevent the student from attending. According to Children's Education Alliance of Missouri, being younger than the enrollment age is also a condition that prevents students from attending, and should therefore be treated as an exemption. In addition, the Children's Alliance of Missouri stated that the amendment language contradicts section 161.670, RSMo, in that the amendment specifies students must attend a Missouri school to be eligible for MOCAP enrollment.

RESPONSE: Per section 161.670.3(1)(a), RSMo, kindergarten students are eligible to enroll in MOCAP, provided they have been

enrolled in and has attended a public school "for at least one semester immediately prior to enrolling in" MOCAP. The exemption allowed for in section 161.670.3(1)(a), RSMo, specifies a "documented medical or psychological diagnosis or condition that prevent[ed] the student from attending." Being younger than the enrollment age does not meet this criteria. Please see comment #18 for clarification about the language. No additional changes have been made to the amendment based on this comment.

COMMENT #50: Nine (9) school administrators commented on section (1) with support for a provision that requires greater accountability for virtual providers.

RESPONSE: No changes have been made to the amendment based on this supportive comment.

COMMENT #51: Nine (9) school administrators commented on paragraph (2)(A)2. with their support for kindergarten eligibility after a semester of enrollment in the local school. They requested clarification of the wording. Specifically, they requested that early childhood enrollment be removed from the language about eligibility, as section 161.670, RSMo contemplates K-12 only, and not every school has an early childhood program, which could lead to inequities.

RESPONSE: The eligibility requirements for MOCAP enrollment are outlined in section 161.670, RSMo, and include eligibility starting at kindergarten and on the condition that a student has attended the semester immediately prior. A kindergartener who attended the semester immediately prior as part of an early childhood program would meet these requirements. No changes have been made to the amendment as a result of this comment.

COMMENT #52: Nine (9) school administrators commented on paragraph (2)(B)3. supporting the language and asking for the addition of a time frame for providers to respond to LEA inquiries.

RESPONSE: If a provider is not responsive to an LEA's request, this should be reported to the MOCAP office. LEAs also have the chance to provide this information in the annual survey and/or through the MOCAP concerns form on the MOCAP website. No changes have been made to the amendment based on this comment.

COMMENT #53: Nine (9) school administrators commented in support of subparagraph (4)(B)3.B. and to request that all MOCAP providers be included in this language, not just LEA providers and include accountability measures.

RESPONSE: The proposed amendment to the rule addresses LEAs or LEA partnered providers, specifically. MOCAP providers that are not LEAs or affiliated with an LEA are approved through the procurement process, which includes the referenced requirements. No changes have been made to the amendment based on this comment.

COMMENT #54: Nine (9) school administrators commented on subparagraph (4)(B)3.D. requesting that the language remain, unless it is clearly specified in another location in the rule.

RESPONSE: The requirement to adhere to section 162.1250, RSMo, is included specifically at the beginning of paragraph (4)(B)3. No changes have been made to the amendment based on this comment.

COMMENT #55: Nine (9) school administrators commented on subparagraphs (6)(B)1.B., C., and E., in support of the method of reporting, but requested greater specificity for information that must be reported. Specifically, the commenters requested current grades, attendance, completion of assignments, assessment data, and progress towards learning goals, so schools would have an accurate account of where a student stands in the course. They also requested that this information be updated on a weekly basis.

RESPONSE: The proposed amendment provides progress reporting to LEAs on a weekly basis. LEAs can request more details about student progress and success when needed. Please see comment #14

and #29 for changes to the language. No additional changes have been made to the amendment based on this comment.

COMMENT #56: Nine (9) school administrators commented on subparagraph (9)(A)1.C. that they are supportive of the provision, but they suggest that the language be modified to "if necessary" rather than "will." They indicated that it is possible that no revision to the plan would be required in some cases.

RESPONSE: Please see comment #30 for changes to the amendment. No additional changes have been made to the amendment based on this comment.

COMMENT #57: Nine (9) school administrators commented on subparagraph (9)(A)1.E. requesting the department adjust wording to "at any time" instead of "at any time during the semester" to ensure the team or committee have the ability to determine appropriate placement regardless of timing.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to adjust the language to reflect "at any time" so IEP teams and 504 teams have the ability to follow processes and make adjustments to student plans as needed.

COMMENT #58: Eight (8) school administrators commented on paragraph (9)(B)4. that they are supportive of the department's desire to establish requirements for student teacher ratios for the virtual environment, and they recommend a change in wording to require that student teacher ratios not exceed the current classroom size guidelines for seated instruction recommended by MSIP.

RESPONSE: Please see comment #21 for changes. No additional changes have been made to the amendment based on this comment.

COMMENT #59: Dr. David Schmitz, Superintendent, Lebanon R-3 School District, commented on paragraph (2)(B)1. that his district supports ongoing weekly teacher interaction with students, as these interactions are critical to the learning experience.

RESPONSE: No changes have been made to the amendment based on this supportive comment.

COMMENT #60: Edgenuity commented on subparagraph (6)(B)1.D. that the metric for billing based on a "student's completion of assignments and assessments that includes the student's overall progress and current grade" can vary greatly across providers. Edgenuity requested the department look at rephrasing this section to allow providers to establish a metric based on their own methodology. Edgenuity also requested a move away from burdensome monthly billing and allowing for quarterly or semester billing.

RESPONSE: Section 161.670.3, RSMo, outlines the requirements of payment for MOCAP courses including "pro rata monthly basis based on a student's completion of assignments and assessments." No changes have been made to the amendment as a result of this comment.

COMMENT #61: Edgenuity commented on paragraph (9)(B)4., requesting the department consider student-teacher ratios for virtual providers that align with the requirements of brick-and-mortar schools. Edgenuity feels this would allow for flexibility for different instructional situations, including varying grade levels and subject areas.

RESPONSE: Please see comment #21. No additional changes have been made to the amendment based on this comment.

COMMENT #62: Edgenuity commented on paragraph (9)(B)5. that the wording hinders a provider's ability to start students as soon as they enroll in a course. Edgenuity expressed concern about learning loss if a teacher leaves mid-semester, and the provider must wait for department approval before the new teacher can start. Edgenuity suggested the following language "After a teacher is added or a teacher's course assignment is updated during a semester, the provider shall

communicate with the department to ensure certification requirements are met. If the teacher is not found to be properly certified the issue must be remedied by the provider or evidence provided of application for reciprocal certification within 10 business days."

RESPONSE: All MOCAP courses are taught by appropriately certified Missouri teachers, as required by sections 161.670.9 and 162.1250.4, RSMo. The MOCAP office is responsible for ensuring teacher certification standards are met for LEAs enrolling students in courses. All teachers must be verified by the MOCAP office before course options are included in the catalog, and all changes must be verified before teachers serve Missouri students. No changes have been made to amendment based on this comment.

COMMENT #63: Dr. Curt Graves, Assistant Superintendent, Crawford County R-2, shared his appreciation for the additions under section (9).

RESPONSE: No changes have been made to the amendment based on this comment of support.

COMMENT #64: Dr. Curt Graves, Assistant Superintendent, Crawford County R-2, commented that he would like paragraph (6)(B)1. to include a provision that covers accountability for state assessments. Specifically, he asked the department to add that "in order to be retained in the MOCAP catalog students completing MAP-EOC [Missouri Assessment Program-End of Course] tested courses will make proficiency or show growth on the state assessment." Dr. Graves continued that if a MOCAP provider assumes the responsibility of teaching and learning, then it should also assume the accountability of MAP-EOC.

RESPONSE: According to section 161.670, RSMo, students enrolled in MOCAP courses remain a student of their resident district. No changes have been made to the amendment as a result of this comment.

COMMENT #65: The Missouri School Boards' Association (MSBA) commented its appreciation for the portions of the amendment that address issues MSBA had previously spoken to.

RESPONSE: No changes have been made to the amendment based on this comment of support.

COMMENT #66: MSBA commented that other than the exceptions noted in their other comments, it supports the amendment and all efforts towards "transparency, careful oversight, and accountability to the people for all entities to who state education funds flow, directly or indirectly, through the MOCAP program."

RESPONSE: No changes have been made to the amendment based on this comment of support.

COMMENT #67: MSBA suggested that in paragraph (2)(B)3. the department remove "have the ability to" so sentence 3 will begin "The LEA shall be able to interact..."

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to remove "have the ability to" from paragraph (2)(B)3. for clarity.

COMMENT #68: MSBA commented on subparagraph (4)(B)3.G. with the request to remove "and if requested," because with the flow of public funding from an LEA to a private entity, there is always good cause for why a private-entity provider should be required to submit the information specified under subparagraphs H. and I.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to remove "if requested" for purposes of clarity.

COMMENTS #69: MSBA requested that "the rule confirm that an LEA may access provider information that DESE receives per [paragraph (4)(B)3.I], especially with regard to pass-through vendors to another LEA." MSBA cited that this is essential information for LEAs when making enrollment decisions.

RESPONSE: LEAs may already make requests for publically accessible information, so further distinction is not needed in the amendment. No changes have been made to the amendment based on this comment.

COMMENT #70: MSBA asked that the last sentence of section (7), MOCAP Enrollment Decisions, be amended to read “A failure to render and communicate the initial decision and the right to appeal denial to the governing body of the LEA pursuant to section 161.670.3(2) within ten (10) business days will be deemed to be an enrollment approval.”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to clarify existing language in the amendment and will amend subsection (7)(A) to read “A failure to render and communicate the initial decision and the right to appeal denial to the governing body of the LEA within ten (10) business days will be deemed to be an enrollment approval.”

COMMENT #71: MSBA commented on subsection (7)(C), requesting the first sentence be amended to read “Appeals of denial of enrollment in MOCAP courses by the LEA’s governing body per § 161.670.3(2) can be made through the...”

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to clarify existing language in the amendment and agrees to amend the language of subsection (7)(C) to say “Appeals of denial of enrollment in MOCAP courses by the LEA’s governing body can be made through the...”

COMMENT #72: MSBA commented, “The only ‘enrollment decision’ that can be appealed to DESE is the LEA’s governing body’s decision to deny MOCAP enrollment. An ‘initial decision’ provided by the administration per [subsection (7)(A)] is never appealable to DESE directly. This key step, which may be the only point in the process where time permits a solid record on appeal to be developed for DESE review, should be explicitly present in the rule.”

RESPONSE: Upon an appeal, the LEA should provide the department the governing board’s decision, which will include the initial good cause justification for the enrollment decision. Appeals must follow the process outlined in section 161.670.3(2), RSMo, which necessarily includes a determination by the local school board or governing body. No changes have been made to the amendment based on this comment.

COMMENT #73: MSBA commented on subsection (9)(A) of the amendment that the IEP team or Section 504 committee is tasked with choosing not just between virtual and seated, but also the specific provider(s) and course(s) that are appropriate for a student. MSBA stated that all MOCAP enrollment requests should be subject to this level of scrutiny by the LEA when determining best educational interest of the student, but in the IDEA and Section 504 context, the federal obligation is clear.

RESPONSE: Section 161.670.3(2), RSMo, outlines the approval process for placement in MOCAP courses. Federal law provides additional legal decision-making processes for students with IEPs and 504 plans. The department declines to make further changes. No changes have been made to the amendment based on this comment.

COMMENT #74: MSBA commented on paragraph (9)(B)3. suggesting the replacement of “partnered provider” with “affiliates and subcontractors.”

RESPONSE AND EXPLANATION OF CHANGE: To clarify existing language in the amendment the department will amend paragraph (9)(B)3. to say “affiliates and subcontractors.”

COMMENT #75: MSBA commented on paragraph (9)(B)4. requesting the following language be added at the end, “In so doing, a provider shall identify to the department the students and teachers assigned to one another for each course.”

RESPONSE: The department declines to include this change because this addresses specific processes within MOCAP. No changes have been made to the amendment based on this comment.

COMMENT #76: Dr. Kenny Rodrequez, Superintendent, Grandview C-4 School District, commented on paragraph (9)(B)4. supporting the department creating requirements for student-teacher ratios, however, he urged the department to modify the language to better determine best practices for virtual program instruction.

RESPONSE: Please see comment #21. No additional changes have been made to the amendment based on this comment.

COMMENT #77: Department staff recommended, for clarity on subparagraph (9)(A)1.G. the removal of “including any” and the addition of “when it is related to.”

RESPONSE AND EXPLANATION OF CHANGE: The text is revised to make this change.

COMMENT #78: Department staff recommended the replacement of “504 Plan” with “504 plan” to provide the most common usage of the term.

RESPONSE AND EXPLANATION OF CHANGE: The text is revised to make this change.

5 CSR 20-100.230 Virtual Instruction Program

PURPOSE: *This rule establishes policies and procedures for the Missouri Department of Elementary and Secondary Education (department) to implement a public virtual school program to serve school-age students residing in the state, as authorized by section 161.670, RSMo. There are two (2) paths to become an approved Missouri Course Access and Virtual School Program (MOCAP) provider, through the procurement process or in partnership with a local education agency (LEA). This rule specifically addresses requirements for LEAs, the same requirements are addressed by the procurement process.*

(2) Access.

(A) LEAs.

1. LEAs shall inform parents/guardians of their child’s right to participate in MOCAP. LEAs shall ensure that the availability of the program is made clear in the—

- A. Parent/Guardian Handbook;
- B. Registration documents; and
- C. Featured on the homepage of the LEA website.

2. Kindergarten students are considered eligible to enroll in MOCAP after their first semester of full-time enrollment in a public school, provided the student meets the other MOCAP requirements. This applies to students fully enrolled in a school-sponsored early childhood program. Virtual learning in Missouri does not begin until kindergarten as required by section 161.670.1, RSMo.

(B) Providers.

1. Providers shall ensure students have weekly, ongoing interaction with their assigned teachers, for the purposes of instruction, feedback, and/or communication.

2. Providers shall ensure enrolled students have multiple methods of communication with teachers such as email, telephone, office hours, and synchronous tools (e.g., online chat, etc.) This must include providing students with a direct form of verbal communication. A general phone number that requires students to “hold for the next available teacher,” or something similar, is not acceptable. Provider teachers should respond to student messages within twenty-four (24) hours on school days, defined as non-holiday weekdays, when school is in session.

3. The LEA shall be able to interact with the providers’ educators from whom the LEA has students receiving instruction, as needed, throughout the online course via multiple methods such as email, telephone, office hours, and synchronous tools (e.g., online chat,

etc.). This communication shall not be limited to one (1) specific method.

(3) Credit. Course credit earned through MOCAP shall be recognized by all LEAs in Missouri.

(B) LEAs shall recognize course credit earned through MOCAP, as long as the provider and course are MOCAP approved.

(4) Provider and Course Inclusion in the MOCAP Catalog. There are two (2) methods by which virtual providers and virtual coursework will be included in the MOCAP Catalog:

(B) LEAs.

1. LEAs may request that the department include virtual courses offered by the LEA in the MOCAP catalog.

2. In order to be included in a MOCAP catalog, LEAs must make requests to the MOCAP office by January 1 for inclusion in the fall catalog and by July 1 for inclusion in the spring catalog.

3. The LEA is deemed to be an approved provider; however, before courses are included in the MOCAP catalog, the LEA must demonstrate that they meet the requirements of sections 161.670 and 162.1250, RSMo, and other requirements for doing business in Missouri, as required by law, including, but not limited to:

A. Pricing and billing structures meet the requirements of section 161.670, RSMo;

B. Student information is secure and the LEA's designee signs the department's attestation that they have measures in place to comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. section 1232g; 34 C.F.R. Part 99) and to prevent data breaches and that data breaches are reported pursuant to sections 162.1475 and 407.1500, RSMo;

C. Courses are taught by teachers appropriately certified by the department as required by section 161.670, RSMo;

D. Courses meet the standards of section 161.935, RSMo, to assure compliance with federal web accessibility laws;

E. Courses are aligned to Missouri State Learning Standards;

F. Provide assurance through Cloud Service Agreement Review;

G. Provide the MOCAP checklist to the department to indicate which accommodations and modifications the provider is able to offer;

H. Certify business status, enrollment documentation, and work authorization when services are not provided directly by the LEA; and

I. Provide information to the department regarding products or services performed at sites outside of the United States, employee conflicts of interest, and proposed subcontractors.

4. If an LEA sponsors, co-brands, licenses, purchases, contracts for, or otherwise offers through MOCAP any virtual courses or a full-time virtual program, the LEA is the approved provider. The approved provider's responsibilities include, but are not limited to, complying with obligations of this rule, coordination of enrollment, billing, progress and completion reporting, educator assignment reporting, and dispute resolution.

(6) Reporting. The following are requirements for reporting MOCAP coursework:

(B) Providers.

1. The following requirements must be met for providers to be retained in the MOCAP catalog. Failure to meet these requirements will result in corrective action, including possible suspension or revocation, outlined in section 161.670, RSMo. Providers must—

A. Transmit reports to the department in a manner and format and on a timeline specified by the department;

B. Provide LEAs with accurate and timely progress reporting through a secure online portal, updated at least weekly;

C. Provide LEAs with monthly billing invoices based on the student's completion of assignments and assessments that includes the student's overall progress and current grade in the course;

D. Ensure the provider's teachers keep records up-to-date weekly and available for MOCAP staff, LEA personnel, and parents/guardians, to have online access to view a student's current progress; and

E. Send final grade reports as a percentage of the course completed and as a percentage of the grade earned to the LEA and parent/guardian.

2. All courses offered by MOCAP providers must use course numbers established by the department.

(7) MOCAP Enrollment Decisions.

(A) If a student, excluding students with an Individualized Education Program (IEP) or a Section 504 plan, requests enrollment in a MOCAP course or full-time virtual school, the LEA must either approve or deny the initial request within ten (10) business days, defined as any non-holiday weekday in which the administrative offices operate normal business hours. The ten (10) business day period will begin when the LEA receives the request. A failure to render and communicate the initial decision and the right to appeal denial to the governing body of the LEA within ten (10) business days will be deemed to be an enrollment approval.

(C) Appeals of denial of enrollment in MOCAP courses by the LEA's governing body can be made through the department's website: www.mocap.mo.gov. If a student or parent/guardian (appellant) files an appeal to the department of an enrollment decision, the department will notify the appellant and the LEA of receipt of the appeal. The appellant, when filing the appeal, must submit any and all material previously submitted to the governing board of the LEA whose decision is being appealed along with the final decision of the governing board. The LEA will have seventy-two (72) hours from the filing of the appeal to submit the full record, including evidence given by the LEA used to make the governing board's decision. The LEA must provide the initial good cause justification for the enrollment decision. If necessary, the department may ask for clarification of the materials presented.

(9) Instructional Process.

(A) LEAs.

1. Special Education/Section 504 Requirements.

A. Pursuant to the Individuals with Disabilities Education Act (IDEA) (20 U.S.C. section 1400, et seq., and its implementation regulations at 34 C.F.R. section 300) and the Americans with Disabilities Act (Section 504) (42 U.S.C. section 12101, et seq., and its implementation regulations at 34 C.F.R. section 104), the identification and education of students with disabilities or students who are in need of accommodations contained in an IEP and/or a Section 504 plan is the responsibility of the LEA that enrolls the student.

B. The IEP team or Section 504 committee of the student is responsible for making the determination that registering a student with an IEP or a Section 504 plan in a MOCAP course is in the educational best interest of the student and will confer a Free Appropriate Public Education (FAPE).

C. If the IEP team or the Section 504 committee determine that a student's enrollment in MOCAP is appropriate, then the IEP or Section 504 plan may be revised to include the services, aids, supports, accommodations, and modifications that will be required in order for the IEP or Section 504 plan to be reasonably calculated to confer educational benefit to the student.

D. If an IEP team or a Section 504 committee determines that a student should be taking MOCAP courses, the LEA shall send the MOCAP provider a description of the accommodations and modifications contained in the IEP or Section 504 plan. The LEA and provider(s) must work closely together to develop and implement a monitoring protocol or process to ensure that the provider is implementing the accommodations and modifications as written in the IEP or Section 504 plan. This will include participation in IEP team or Section 504 committee meetings by the provider's teacher, as necessary.

E. If a provider fails to implement accommodations and modifications, the IEP team or the Section 504 committee may reconsider approval for the student taking virtual courses at any time.

F. The LEA (through the IEP team or the Section 504 committee) may initially, or after reevaluation, determine that based upon a student's unique needs, an online program is not appropriate to confer FAPE, even with the provision of appropriate and individualized accommodations, modifications, aids, or services. Such a determination is subject to the parents'/guardians' rights and procedural safeguards under IDEA and Section 504, respectively.

G. The LEA shall provide to MOCAP the reasons for any determination by an IEP team or a Section 504 committee to discontinue any online program for a student enrolled in MOCAP, when it is related to failure on the part of the provider to provide the required accommodations and modifications.

(B) Providers.

1. Providers shall furnish LEAs, parents or guardians, and students with policies on academic integrity, internet etiquette, plagiarism, and privacy before the beginning of each course. These policies must be emailed to the LEAs, parents/guardians or guardians, and students. The provider must post copies of all academic integrity, internet etiquette, and privacy information on the provider's website before providing courseware or services to any student.

2. Providers will treat all student personally identifiable information, as that term is defined in 34 C.F.R. section 99.3, as confidential, whether or not the student has been officially enrolled in the provider's program. Providers will notify the department, any impacted LEAs, and its affiliates and subcontractors, if applicable, in the event of a data breach relating to student personally identifiable information, within twenty-four (24) hours, and will follow all applicable state and federal law with respect to required parent/guardian and student notifications.

3. Student-teacher ratios shall not exceed the recommended MSIP classroom size guidelines for seated instruction set forth in 5 CSR 20-100.125. Within five (5) business days after receiving a student-teacher ratio request from the department, the course provider shall provide proof this requirement is being met.

4. Prior to adding a teacher or changing a teacher's course assignment during a semester, the provider shall communicate with the department to ensure certification requirements are met.

5. Special Education/Section 504 Requirements.

A. Providers must—

(I) Sign and return the accommodations and modifications checklist to the department;

(II) Work closely with the LEA to develop and implement a monitoring protocol or process to ensure that the accommodations and modifications are being implemented by the provider as written in the IEP or Section 504 plan. This will include participation in IEP team or Section 504 committee meetings by the provider's teacher, as necessary; and

(III) Work with the LEA staff to ensure that a student's IEP goals are being met and/or that a student has the required accommodations and modifications.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 20—Division of Learning Services
Chapter 100—Office of Quality Schools

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 160.405 and 161.092, RSMo 2016, the board adopts a rule as follows:

5 CSR 20-100.275 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 15, 2021 (46 MoReg 49-50). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received sixteen (16) comments regarding the proposed rule.

COMMENT #1: The Department of Elementary and Secondary Education (department) received one (1) comment in support of the proposed rule from Southeast Missouri State University (SEMO). The commenter indicated that the proposed rule addresses the need for increased communication with all parties and provides a clear timeline for transfer.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #2: The department received one (1) comment in support of the proposed rule from the University of Missouri – St. Louis (UMSL). The commenter indicated that UMSL believes there is a need for rules pertaining to the transfer of charter sponsors prior to the expiration of a contract between the charter and its sponsor, indicating that there are few requirements in current statute that ensure that transfers are ethical or in the best interest of students.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #3: The department received one (1) comment from the University of Central Missouri (UCM) that supports the articulation of the procedures required for transfer of sponsors, while indicating that UCM considers sponsor transfer a contractual action between the sponsor and the board of directors of the charter school.

RESPONSE: No changes have been made to the rule as a result of this comment.

COMMENT #4: The department received one (1) comment from The Missouri Charter Public School Association (MCPSA) opposing the rule in its current format and recommending that should the department move forward with the rule, that it streamline the process for approval.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to modify the rule to streamline the process. The paragraphs and subparagraphs deleted from the proposed rule, (1)(C)1.-2., (1)(C)3.A. and (1)(C)3.C.-E., currently exist in the charter evaluation process. However, the department will retain the requirement of soliciting feedback from students in grades 5-12, parents/guardians, and staff as part of the transfer process, (1)(C)3.B. The text is revised to make this change.

COMMENT #5: The department received one (1) comment from UMSL requesting that the department modify (1)(C)3.B. to shorten the period for soliciting feedback and providing notification to stakeholders to four (4) months from six (6) months to ensure that the February 1 deadline for application submission is met.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to this proposed change to provide sufficient time for application submission and survey students of appropriate age. The proposed change is included in the streamlined version of the rule as indicated in comment #4.

COMMENT #6: The department received three (3) comments (UMSL, UCM, and Washington University (WASHU) requesting the grade levels be modified to reflect the inclusion of grades old enough to understand the issues of sponsorship.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to this proposed change to subsection (1)(C), and the language will be modified to read "evidence that the applicant has solicited

input from and notified students in grades 5-12." The proposed change is included in the streamlined version of the rule as indicated in comment #4.

COMMENT #7: The department received one (1) comment from UCM requesting that subsection (1)(A) be modified to read, "A transfer of charter school sponsorship from one approved sponsor to another prior to the expiration of the contract between a charter and its sponsor may only occur if presented to the State Board of Education (board)."

RESPONSE: The department disagrees with this proposed change. Section 160.405.9(3)(c), RSMo, requires the state board of education to determine if a contract is in compliance with statute and to vote on it, rather than simply have the contract presented. No changes have been made to the rule as a result of this comment.

COMMENT #8: The department received one (1) comment from the Missouri Charter Public School Commission (MCPSC) indicating its opposition to the current draft of the rule, as it interferes with the contractual relationship between charter schools and their sponsors.

RESPONSE: The department disagrees with this comment. The department refers the commenter to section 160.405(9)(3)(c), RSMo: "Using the data requested and the revised charter application under paragraphs (a) and (b) of this subdivision, the state board of education shall determine if compliance with all standards enumerated in this subdivision has been achieved. The state board of education at its next regularly scheduled meeting shall vote on the revised charter application." The transfer of sponsor mid-contract will require the board to determine if the charter school complies with federal and state law, as provided in sections 160.400-160.405, RSMo, and section 167.349, RSMo; and the school's performance contract, including, but not limited to those requirements specific to academic performance. No changes have been made to the rule as a result of this comment.

COMMENT #9: The department received one (1) comment from MCPSC indicating that to the extent that this rule is intended to prevent "sponsor shopping," the current sponsor can prevent this practice by complying with already existing law and revoking the charter of a non-compliant school.

RESPONSE: Sponsors can revoke the charter of a non-compliant school; however, this amendment provides safeguards for situations where sponsors do not revoke a charter or bring legal action to prevent sponsor shopping, as the department understands the term. Further, the changes proposed in the amendment would require a collaboration of all parties on certain steps before the board grants approval. No changes have been made to the rule as a result of this comment.

COMMENT #10: The department received one (1) comment from the MCPSC in opposition to the rule, indicating the department does not have authority to regulate the transfer of a charter school to a new sponsor.

RESPONSE: The department disagrees with the comment. Pursuant to the department's rulemaking authority, the department is permitted to design a process to review these transfers to ensure a low-performing school does not transfer to avoid accountability measures. No changes have been made to the rule as a result of this comment.

COMMENT #11: The department received one (1) comment from MCPSC that the rule would create an unnecessary and duplicative process for the department to manage.

RESPONSE AND EXPLANATION OF CHANGE: The department agrees to streamline the process as indicated in comment #4. The items deleted from the proposed rule exist in the charter evaluation process. However, the department will retain the requirement of soliciting feedback from students, parents, and staff as part of the transfer process.

COMMENT #12: Department staff recommends that subsection (1)(A) be modified to read, "A transfer of charter school sponsorship from one (1) sponsor to another prior to the expiration of the current contract, may only occur if approved by the State Board of Education (board)", for clarity.

RESPONSE AND EXPLANATION OF CHANGE: The text is revised to make this change.

COMMENT #13: Department staff recommends modifying the proposed rule to use "parents/guardians" rather than "parents" so that all adults caring for students are represented. This will result in changes in (1)(C)3.B. and (1)(D)1.

RESPONSE AND EXPLANATION OF CHANGE: The text is revised to make this change.

COMMENT #14: Department staff recommends modifying the title of the proposed rule to "5 CSR 20-100.275 Transfer of Charter Sponsorship."

RESPONSE AND EXPLANATION OF CHANGE: The text is revised to make this change.

COMMENT #15: Department staff recommends that subsection (2)(C) be modified to read, "Within thirty (30) days of transfer, the prior charter sponsor shall provide information relevant to the charter school as requested by the proposed sponsor, including, but not limited to assets, student records, and reports."

RESPONSE AND EXPLANATION OF CHANGE: The text is revised to make this change.

COMMENT #16: Department staff recommends that subsection (2)(D) be modified to read, "The proposed sponsor that seeks to sponsor a transferring school must have met all requirements of the Standards of Charter Sponsorship in its most recent sponsor evaluation."

RESPONSE AND EXPLANATION OF CHANGE: The text is revised to make this change.

5 CSR 20-100.275 Transfer of Charter Sponsorship

(1) Transfer Requirements and Application.

(A) A transfer of charter school sponsorship from one (1) sponsor to another prior to the expiration of the current contract, may only occur if approved by the State Board of Education (board).

(C) All parties, the charter school, and its current sponsor, along with the proposed sponsor, must submit a joint application for transfer to the board for consideration prior to February 1 to be considered for the following school year. The joint application shall include the following components:

1. An explanation of why the school is seeking to transfer to another sponsor, including:

A. Evidence that the applicant has solicited input from and notified students in grades 5-12, parents/guardians, and staff of the request to transfer sponsors at least four (4) months prior to approaching other sponsoring institutions related to potential transfer. Feedback should be included in application for transfer.

(D) The board shall only consider approval of charter school requests to transfer to another sponsor if it finds the transfer applicant has submitted evidence of the criteria outlined in subsection (1)(C), above. The board maintains its discretion to deny a transfer request if the criteria outlined in subsection (1)(C), above, is not met, and for good cause including, but not limited to:

1. Failure to seek input from students, parents/guardians, and staff;

2. The transfer is motivated by an adverse review by the department; or

3. There is evidence of the current sponsor's unwillingness to end its contract early.

(2) Transition Requirements.

(C) Within thirty (30) days of transfer, the prior charter sponsor shall provide information relevant to the charter school as requested by the proposed sponsor, including, but not limited to assets, student records, and reports.

(D) The proposed sponsor that seeks to sponsor a transferring school must have met all requirements of the Standards of Charter Sponsorship in its most recent sponsor evaluation.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

**Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under sections 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. 2020, the board amends a rule as follows:

5 CSR 20-400.620 Certification Requirements for Transition Administrator Certificate is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 16, 2021 (46 MoReg 316). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received eight (8) comments on this proposed amendment. All of the comments were in favor of earning micro-credentials as an option for upgrading the Initial Administrator Certificate to the Transition Administrator Certificate.

COMMENT #1: Missouri Association of School Personnel Administrators (MOASPA) supports more options to prove leadership competencies in the area of school leadership. Completing micro-credentials in lieu of an educational specialist degree for principals who are already administrator certified, and have served successfully in the principalship, is a positive option for career certification.

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

COMMENT #2: Lauren Goddard, Director of Special Services, Pleasant Hill School District, commented “I support the micro-credential option as an alternate path!”

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

COMMENT #3: Becky Gallagher, Assistant Superintendent, Pleasant Hill School District, commented “I am in support of micro-credentials as a pathway to certification. This makes absolute sense and provides a good alternative to some administrators.”

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

COMMENT #4: Melissa Franklin, Administrative Intern, Pleasant Hill School District, commented “I support the micro-credential option as an alternate path!”

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

COMMENT #5: Chandra Arbuckle, Principal, Pleasant Hill Intermediate School, commented “I think the Micro-credentials alternative is a good option. It provides a path that would be appropriate for some administrators (not only because of their particular situation but also perhaps due to costs of another degree).”

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

COMMENT #6: Sherry Helus, Principal, Pleasant Hill Primary School, commented “I support the micro credential option as an alternate route for upgrading administrative certification. I would definitely consider this option. Thank you for considering other options for administrators.”

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

COMMENT #7: Alan Koch, Principal, North Harrison School District, commented “I love being a Principal and feel that I have been called to do this job. I have been told by multiple constituents within the districts I have served, that I care so much for the students and the district. I couldn’t imagine not being able to continue my passion for education because of a lapse of a certificate. I had zero idea that I had to obtain a specialist degree in order to obtain a career certificate. I am three years away from retirement, therefore, it does not make an ounce of sense to complete a specialist degree. The proposed amendment to update the requirements to include the MO Leadership Development system Micro-Credentials would be of assistance to not only myself, but many other administrators that it is not feasible to complete the specialist degree. I have taken part in MO Leadership Academy, MOLEAD program, active in MOASSP at the Northeast and now in the Northwest regions, as well as countless Professional Development opportunities and programs throughout the course of my administrative career. Please I implore you to grant an extension to my transitional certificate, that I may meet the requirements of the Micro-Credentials amendment. This past year, with all the COVID restrictions and implications being placed on education. I would hate for this to drive educators out of the field of education. This opportunity would not only help me in my quest to finish out my career in a school district I dearly love, it will also help our district to continue the improvements we have put in place to provide the best learning environment to our students and community of North Harrison. Thank you for allowing for this opportunity to convey my lifelong passion.”

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

COMMENT #8: Melinda Moss, Superintendent, Joplin Schools, commented “Joplin Schools are not opposed to the Transition Certificate option, as long as it’s regulated. If we are only running them through MLDS that has potential to be a great approach. We can increase the MLDS participation, which I think has been a good experience for our principals, here in Joplin while also helping contribute to moving them on the certification route.”

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**

**Division 20—Division of Learning Services
Chapter 400—Office of Educator Quality**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under

sections 161.092, 168.011, 168.071, 168.081, 168.400, 168.405, and 168.409, RSMo 2016, and section 168.021, RSMo Supp. 2020, the board amends a rule as follows:

5 CSR 20-400.630 Certification Requirements for Career Continuous Administrator Certificate is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 16, 2021 (46 MoReg 316-317). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received eight (8) comments on this proposed amendment. All of the comments were in favor of earning micro-credentials as an option for upgrading the Initial Administrator Certificate or Transition Administrator Certificate to the Career Continuous Administrator Certificate.

COMMENT #1: Missouri Association of School Personnel Administrators (MOASPA) supports more options to prove leadership competencies in the area of school leadership. Completing micro-credentials in lieu of an educational specialist degree for principals who are already administrator certified, and have served successfully in the principalship, is a positive option for career certification.

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

COMMENT #2: Lauren Goddard, Director of Special Services, Pleasant Hill School District, commented "I support the micro-credential option as an alternate path!"

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

COMMENT #3: Becky Gallagher, Assistant Superintendent, Pleasant Hill School District, commented "I am in support of micro-credentials as a pathway to certification. This makes absolute sense and provides a good alternative to some administrators."

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

COMMENT #4: Melissa Franklin, Administrative Intern, Pleasant Hill School District, commented "I support the micro-credential option as an alternate path!"

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

COMMENT #5: Chandra Arbuckle, Principal, Pleasant Hill Intermediate School, commented "I think the Micro-credentials alternative is a good option. It provides a path that would be appropriate for some administrators (not only because of their particular situation but also perhaps due to costs of another degree)."

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

COMMENT #6: Sherry Helus, Principal, Pleasant Hill Primary School, commented "I support the micro credential option as an alternate route for upgrading administrative certification. I would definitely consider this option. Thank you for considering other options for administrators."

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a

result of this comment.

COMMENT #7: Alan Koch, Principal, North Harrison School District, commented "I love being a Principal and feel that I have been called to do this job. I have been told by multiple constituents within the districts I have served, that I care so much for the students and the district. I couldn't imagine not being able to continue my passion for education because of a lapse of a certificate. I had zero idea that I had to obtain a specialist degree in order to obtain a career certificate. I am three years away from retirement, therefore, it does not make an ounce of sense to complete a specialist degree. The proposed amendment to update the requirements to include the MO Leadership Development system Micro-Credentials would be of assistance to not only myself, but many other administrators that it is not feasible to complete the specialist degree. I have taken part in MO Leadership Academy, MOLEAD program, active in MOASSP at the Northeast and now in the Northwest regions, as well as countless Professional Development opportunities and programs throughout the course of my administrative career. Please I implore you to grant an extension to my transitional certificate, that I may meet the requirements of the Micro-Credentials amendment. This past year, with all the COVID restrictions and implications being placed on education. I would hate for this to drive educators out of the field of education. This opportunity would not only help me in my quest to finish out my career in a school district I dearly love, it will also help our district to continue the improvements we have put in place to provide the best learning environment to our students and community of North Harrison. Thank you for allowing for this opportunity to convey my lifelong passion."

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

COMMENT #8: Melinda Moss, Superintendent, Joplin Schools, commented "Joplin Schools are not opposed to the Transition Certificate option, as long as it's regulated. If we are only running them through MLDS that has potential to be a great approach. We can increase the MLDS participation, which I think has been a good experience for our principals, here in Joplin while also helping contribute to moving them on the certification route."

RESPONSE: The comment is in support of the proposed amendment; therefore, no changes have been made to the amendment as a result of this comment.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 30—Division of Financial and Administrative Services

Chapter 660—School Finance

ORDER OF RULEMAKING

By the authority vested in the State Board of Education (board) under section 161.092, RSMo 2016, and sections 163.021 and 171.031, RSMo Supp. 2020, the board rescinds a rule as follows:

5 CSR 30-660.085 Attendance Hour Reporting is rescinded.

A notice of proposed rulemaking containing the proposed recession was published in the *Missouri Register* on February 16, 2021 (46 MoReg 317-318). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS**
Division 50—Division of Workers’ Compensation
Chapter 5—Determination of Disability

ORDER OF RULEMAKING

By the authority vested in the Division of Workers’ Compensation under section 287.650, RSMo 2016, the division adopts a rule as follows:

8 CSR 50-5.007 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2021 (46 MoReg 440-444). The section with changes is reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Division of Workers’ Compensation received one (1) comment on the proposed rule.

COMMENT #1: Staff commented that a portion of the proposed rule published in the *Missouri Register* was not what was submitted by the division. The word “emergency” should not have been before “rule” in section (5).

RESPONSE AND EXPLANATION OF CHANGE: The division agrees with this change.

8 CSR 50-5.007 Evidence of Occupational Disease Exposure for First Responders

(5) The provisions of this rule shall cease to be in effect at the expiration of the state of emergency declared in Executive Order 20-19 (originally declared in Executive Order 20-02) or any successor executive order extending the state of emergency, whichever occurs later.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 2—Income Tax

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 143.191.3(1), RSMo 2016, the director adopts a rule as follows:

12 CSR 10-2.019 Determination of Withholding for Work Performed at Temporary Work Location is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 16, 2021 (46 MoReg 321-324). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Revenue received one (1) comment on the proposed rule from the Associated Industries of Missouri (AIM).

COMMENT: The Associated Industries of Missouri (AIM) commented that they would like an extension of the COVID-19 relief period.

RESPONSE: The department appreciates the comment from AIM and plans to address this concern in the near future.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under section 338.140, RSMo Supp. 2020, the board adopts a rule as follows:

20 CSR 2220-2.685 Standards of Operation for a Class Q Charitable Pharmacy is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2021 (46 MoReg 465-466). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 2235—State Committee of Psychologists
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under section 337.050, RSMo Supp. 2020, the committee amends a rule as follows:

20 CSR 2235-2.001 Educational Requirements, Section 337.021, RSMo is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 15, 2021 (46 MoReg 509-510). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

The Secretary of State is required by sections 347.141 and 359.481, RSMo, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to adrules.dissolutions@sos.mo.gov.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST ALL YEAR HEATING AND AIR CONDITIONING, LLC

On March 23, 2021, All Year Heating and Air Conditioning, LLC, a Missouri limited liability company, filed its Notice of Winding Up for the limited liability company with the Missouri Secretary of State.

All claims must include: the name, address and telephone number of the claimant; the amount claimed; the basis of the claim; the date(s) on which the events occurred which gave rise to the claim; and any copies of any other supporting data. Claims should be in writing and mailed to: William Petrus, Petrus Law Office, LLC, P.O. Box 148, Mount Vernon, MO 65712.

Any claims against All Year Heating and Air Conditioning, LLC will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST ALL YEAR HEATING & A/C, L.C.

On March 23, 2021, All Year Heating & A/C L.C., a Missouri limited liability company, filed its Notice of Winding Up for the limited liability company with the Missouri Secretary of State.

All claims must include: the name, address and telephone number of the claimant; the amount claimed; the basis of the claim; the date(s) on which the events occurred which gave rise to the claim; and any copies of any other supporting data. Claims should be in writing and mailed to: William Petrus, Petrus Law Office, LLC, P.O. Box 148, Mount Vernon, MO 65712.

Any claims against All Year Heating & A/C L.C., will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF
AND CLAIMANTS AGAINST WILSON HEAT & AIR, LLC**

On March 23, 2021, Wilson Heat & Air, LLC, a Missouri limited liability company, filed its Notice of Winding Up for the limited liability company with the Missouri Secretary of State.

All claims must include: the name, address and telephone number of the claimant; the amount claimed; the basis of the claim; the date(s) on which the events occurred which gave rise to the claim; and any copies of any other supporting data. Claims should be in writing and mailed to: William Petrus, Petrus Law Office, LLC, P.O. Box 148, Mount Vernon, MO 65712.

Any claims against Wilson Heat & Air, LLC will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

**NOTICE OF WINDING UP
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
CLAYTON CAR WASH, INC.**

Clayton Car Wash, Inc. (“the Corporation”), a Missouri corporation, the principal office of which was located at 122 S. Hanley Rd., St. Louis, Missouri 63105 (St. Louis County), and whose registered agent is located at 11704 Park Haven Court, Sunset Hills, MO 63126, filed Articles of Dissolution with the Missouri Secretary of State on April 12, 2021. To file a claim with the Corporation, you must furnish the following:

1. Name and Address of the claimant;
2. Amount of the claim;
3. Date on which the claim arose;
4. Basis for the claim and documentation of the claim; and
5. Whether or not the claim was secured and, if so, the collateral used as security

This information must be mailed to Clayton Car Wash, Inc.; c/o Richard Rutledge; 11704 Park Haven Court, Sunset Hills, MO 63126. In addition to filing a claim by mailing it to this address, unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice, your claim will be barred.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMS AGAINST ARCH INNOTEK

On March 19, 2021, Arch Innotek, a Missouri limited liability company filed its Articles of Dissolution with the Missouri Secretary of State.

You are hereby notified that if you believe you have a claim against Arch Innotek, you must submit a summary in writing of the circumstances surrounding your claim to Arch Innotek and info@arch-innotek.com. The summary of your claim must include the following information: 1) The name, address, and telephone number of the claimant; 2) The amount of the claim; 3) The date on which the event on which the claim is based occurred; and 4) A brief description of the nature of the debt or the basis for the claim.

All claims against Arch Innotek will be barred unless the proceeding to enforce the claim is commenced within 3 years after the publication of this Notice.

NOTICE OF WINDING UP AND DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL CREDITORS AND CLAIMANTS AGAINST HIGHLAND MEADOWS DEVELOPERS, LLC

On May 7, 2021, Highland Meadows Developers, LLC, a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State effective the date of the filing.

All claims against Highland Meadows Developers, LLC, should be presented in accordance with this notice. Written claims should be addressed to Property Law Firm, LC, ATTN: Douglas J. Patterson, 4630 West 137th Street, Suite 100, Leawood, KS 66224. Each claim shall include the following: (1) the claimant's name, address, and telephone number; (2) the amount of the claim; (3) the date on which the claim arose; (4) the basis of the claim and any documents related to the claim.

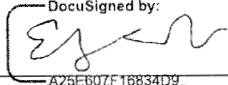
Any and all claims against Highland Meadows Developers, LLC, will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of this notice.

NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY

1. ALL CLAIMS AGAINST ROO, LLC WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER PUBLICATION OF THIS NOTICE.
2. The name of the limited liability company is Roo, LLC.
3. The Articles of Organization for Roo, LLC were filed with the Missouri Secretary of State on October 27, 2017.
3. On April 15, 2021, Roo, LLC filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.
4. Persons with claims against Roo, LLC should present them in accordance with the following procedure:
 - (a) In order to file a claim with Roo, LLC, you must furnish the following:
 - (i) Amount of the claim
 - (ii) Basis for the claim
 - (iii) Documentation for the claim
 - (b) The claim must be mailed to:

Eric J. Laurent
727 Arbor Haven Dr.
Ballwin, MO 63021-7357

ROO, LLC
a Missouri limited liability company

DocuSigned by:
By: 
Name: Eric J. Laurent
Title: Manager

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
WINDY WINE CO., LLC**

On or about May 17, 2021, Windy Wine Co., LLC, filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against Windy Wine Co., LLC, must be mailed to Kraig Keesaman, 9478 SW State Route J, Osborn, Missouri 64474. Each claim must include the claimant's name, address and telephone number; the amount; the basis for the claim; and all relevant dates and documentation associated with the claim.

All claims against Windy Wine Co., LLC, will be barred unless the proceeding to enforce the claim is commenced within three years after the publication of this notice.

Notice of Corporation Dissolution To All Creditors of and All Claimants Against Mar-Saline Manor, Inc.

On May 13, 2021, Mar-Saline Manor, Inc. filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State. The dissolution was effective on May 13, 2021.

You are hereby notified that if you believe you have a claim against Mar-Saline Manor, Inc., you must submit a summary in writing of the circumstances surrounding your claim against Mar-Saline Manor, Inc. to Hallie H. Gibbs II, Gibbs Pool and Turner, P.C., 3225 Emerald Lane, Suite A, Jefferson City, MO 65109. The summary of your claim must include the following information:

1. The name, address, and telephone number of the claimant;
2. The amount of the claim;
3. The date on which the event on which the claim is based occurred; and
4. A brief description of the basis for the claim.

All claims against Mar-Saline Manor, Inc. will be barred unless a proceeding to enforce the claim is commenced within two (2) years after publication of this notice.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—43 (2018) and 44 (2019). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				45 MoReg 1926
1 CSR 10-15.010	Commissioner of Administration	46 MoReg 109	46 MoReg 187	46 MoReg 879	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel	46 MoReg 39T			
DEPARTMENT OF AGRICULTURE					
2 CSR 30-10.010	Animal Health	46 MoReg 393	46 MoReg 397		
2 CSR 80-3.020	State Milk Board		45 MoReg 1955	46 MoReg 708	
2 CSR 80-3.030	State Milk Board		45 MoReg 1955	46 MoReg 708	
2 CSR 80-3.040	State Milk Board		45 MoReg 1956	46 MoReg 708	
2 CSR 80-3.060	State Milk Board		45 MoReg 1956	46 MoReg 708	
2 CSR 80-3.070	State Milk Board		45 MoReg 1957	46 MoReg 709	
2 CSR 80-3.080	State Milk Board		45 MoReg 1959	46 MoReg 709	
2 CSR 80-5.010	State Milk Board		This Issue		
2 CSR 90-30.040	Weights, Measures and Consumer Protection		46 MoReg 753		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.111	Conservation Commission		46 MoReg 397		
3 CSR 10-4.135	Conservation Commission		46 MoReg 398		
3 CSR 10-6.550	Conservation Commission		46 MoReg 398		
3 CSR 10-6.605	Conservation Commission		46 MoReg 398		
3 CSR 10-7.405	Conservation Commission		46 MoReg 10	46 MoReg 768	
3 CSR 10-7.410	Conservation Commission		46 MoReg 11	46 MoReg 768	
3 CSR 10-7.439	Conservation Commission		46 MoReg 399		
3 CSR 10-7.440	Conservation Commission			46 MoReg 769	
3 CSR 10-7.705	Conservation Commission			46 MoReg 770	
3 CSR 10-7.710	Conservation Commission			46 MoReg 770	
3 CSR 10-7.900	Conservation Commission			46 MoReg 771	
3 CSR 10-7.905	Conservation Commission			46 MoReg 771	
3 CSR 10-9.105	Conservation Commission		46 MoReg 399		
3 CSR 10-9.110	Conservation Commission		46 MoReg 404		
3 CSR 10-9.220	Conservation Commission		46 MoReg 404		
3 CSR 10-9.223	Conservation Commission		46 MoReg 407		
3 CSR 10-9.230	Conservation Commission		46 MoReg 407		
3 CSR 10-9.240	Conservation Commission		46 MoReg 408		
3 CSR 10-9.250	Conservation Commission		46 MoReg 408		
3 CSR 10-9.350	Conservation Commission		46 MoReg 408		
3 CSR 10-9.351	Conservation Commission		46 MoReg 409		
3 CSR 10-9.352	Conservation Commission		46 MoReg 411		
3 CSR 10-9.353	Conservation Commission		46 MoReg 413		
3 CSR 10-9.354	Conservation Commission		46 MoReg 415		
3 CSR 10-9.359	Conservation Commission		46 MoReg 420		
3 CSR 10-9.360	Conservation Commission		46 MoReg 420		
3 CSR 10-9.370	Conservation Commission		46 MoReg 421		
3 CSR 10-9.371	Conservation Commission		46 MoReg 424		
3 CSR 10-9.372	Conservation Commission		46 MoReg 429		
3 CSR 10-9.442	Conservation Commission		46 MoReg 429		
3 CSR 10-9.560	Conservation Commission		46 MoReg 429		
3 CSR 10-9.565	Conservation Commission		46 MoReg 430		
3 CSR 10-9.566	Conservation Commission		46 MoReg 434		
3 CSR 10-10.725	Conservation Commission		46 MoReg 434		
3 CSR 10-10.739	Conservation Commission		46 MoReg 434		
3 CSR 10-10.744	Conservation Commission		46 MoReg 435		
3 CSR 10-10.767	Conservation Commission		46 MoReg 435		
3 CSR 10-11.186	Conservation Commission		46 MoReg 436		
3 CSR 10-12.109	Conservation Commission		46 MoReg 436		
3 CSR 10-12.110	Conservation Commission		46 MoReg 436		
3 CSR 10-20.805	Conservation Commission		46 MoReg 437		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.230	Division of Learning Services		45 MoReg 1067 46 MoReg 47	45 MoReg 1913 This Issue	
5 CSR 20-100.275	Division of Learning Services		46 MoReg 49	This Issue	
5 CSR 20-300.110	Division of Learning Services			46 MoReg 879	
5 CSR 20-300.130	Division of Learning Services <i>moved to 5 CSR 30-660.095</i>		46 MoReg 926		
5 CSR 20-400.180	Division of Learning Services		45 MoReg 1863	46 MoReg 709	
5 CSR 20-400.220	Division of Learning Services		46 MoReg 926		
5 CSR 20-400.360	Division of Learning Services		This Issue		
5 CSR 20-400.500	Division of Learning Services		45 MoReg 1863 46 MoReg 754	46 MoReg 710	
5 CSR 20-400.510	Division of Learning Services		45 MoReg 1864	46 MoReg 711	
5 CSR 20-400.520	Division of Learning Services		45 MoReg 1864	46 MoReg 712	
5 CSR 20-400.530	Division of Learning Services		45 MoReg 1865	46 MoReg 714	
5 CSR 20-400.540	Division of Learning Services		45 MoReg 1866	46 MoReg 715	
5 CSR 20-400.550	Division of Learning Services		45 MoReg 1866	46 MoReg 716	
5 CSR 20-400.560	Division of Learning Services		45 MoReg 1867	46 MoReg 717	
5 CSR 20-400.620	Division of Learning Services		46 MoReg 316	This Issue	
5 CSR 20-400.630	Division of Learning Services		46 MoReg 316	This Issue	
5 CSR 30-640.200	Division of Financial and Administrative Services		46 MoReg 927		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 30-660.080	Division of Financial and Administrative Services		46 MoReg 927		
5 CSR 30-660.085	Division of Financial and Administrative Services		46 MoReg 317R	This IssueR	
5 CSR 30-660.095	Division of Financial and Administrative Services <i>formally 5 CSR 20-300.130</i>		46 MoReg 926		
5 CSR 30-680.080	Division of Financial and Administrative Services		46 MoReg 928		
5 CSR 100-200.135	Missouri Commission for the Deaf and Hard of Hearing		46 MoReg 50	46 MoReg 771	
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		46 MoReg 437	46 MoReg 965	
DEPARTMENT OF HIGHER EDUCATION AND WORKFORCE DEVELOPMENT					
6 CSR 10-2.190	Commissioner of Higher Education and Workforce Development	46 MoReg 903			46 MoReg 970
MISSOURI DEPARTMENT OF TRANSPORTATION					
7 CSR 10-25.020	Missouri Highways and Transportation Commission		45 MoReg 1779	46 MoReg 718	
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 20-7.010	Labor and Industrial Relations Commission		46 MoReg 606R		
8 CSR 50-5.007	Division of Workers' Compensation	46 MoReg 305	46 MoReg 440	This Issue	
8 CSR 50-6.010	Division of Workers' Compensation		46 MoReg 606R		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 30-3.150	Certification Standards		46 MoReg 754		
9 CSR 30-3.201	Certification Standards		45 MoReg 1960	46 MoReg 718	
9 CSR 30-3.202	Certification Standards		45 MoReg 1960	46 MoReg 719	
9 CSR 30-3.204	Certification Standards		45 MoReg 1960	46 MoReg 719	
9 CSR 30-3.206	Certification Standards		45 MoReg 1961	46 MoReg 719	
9 CSR 30-3.208	Certification Standards		45 MoReg 1962	46 MoReg 719	
9 CSR 30-4.047	Certification Standards		45 MoReg 1962	46 MoReg 719	
9 CSR 50-2.010	Admission Criteria		46 MoReg 497		
9 CSR 50-2.510	Admission Criteria		46 MoReg 505		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-6.060	Air Conservation Commission				46 MoReg 970
10 CSR 10-6.376	Air Conservation Commission		46 MoReg 691		
10 CSR 20-8.300	Clean Water Commission	46 MoReg 39	46 MoReg 318		
10 CSR 20-9.030	Clean Water Commission				46 MoReg 970
10 CSR 20-14.020	Clean Water Commission				46 MoReg 970
10 CSR 25-12.010	Hazardous Waste Management Commission				46 MoReg 971
10 CSR 25-12.020	Hazardous Waste Management Commission				46 MoReg 971
10 CSR 60-5.010	Safe Drinking Water Commission		46 MoReg 931		
10 CSR 60-5.020	Safe Drinking Water Commission		46 MoReg 932		
10 CSR 60-14.020	Safe Drinking Water Commission		46 MoReg 935		46 MoReg 971
10 CSR 60-16.010	Safe Drinking Water Commission				46 MoReg 971
10 CSR 60-16.030	Safe Drinking Water Commission				46 MoReg 971
10 CSR 140-2	Division of Energy				46 MoReg 972
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 30-13.010	Office of the Director <i>moved to 11 CSR 90-4.010</i>		46 MoReg 696		
11 CSR 30-13.020	Office of the Director <i>moved to 11 CSR 90-4.020</i>		46 MoReg 696		
11 CSR 30-13.030	Office of the Director <i>moved to 11 CSR 90-4.030</i>		46 MoReg 697		
11 CSR 30-13.040	Office of the Director <i>moved to 11 CSR 90-4.040</i>		46 MoReg 697		
11 CSR 30-13.050	Office of the Director <i>moved to 11 CSR 90-4.050</i>		46 MoReg 698		
11 CSR 30-13.060	Office of the Director <i>moved to 11 CSR 90-4.060</i>		46 MoReg 698		
11 CSR 30-13.070	Office of the Director <i>moved to 11 CSR 90-4.070</i>		46 MoReg 699		
11 CSR 30-13.080	Office of the Director <i>moved to 11 CSR 90-4.080</i>		46 MoReg 700		
11 CSR 30-13.090	Office of the Director <i>moved to 11 CSR 90-4.090</i>		46 MoReg 701		
11 CSR 30-13.100	Office of the Director		46 MoReg 701R		
11 CSR 30-13.110	Office of the Director <i>moved to 11 CSR 90-4.100</i>		46 MoReg 702		
11 CSR 30-17.010	Office of the Director		45 MoReg 1658	46 MoReg 659	
11 CSR 30-18.010	Office of the Director		46 MoReg 606		
11 CSR 30-18.020	Office of the Director		46 MoReg 612		
11 CSR 45-5.090	Missouri Gaming Commission		46 MoReg 758		
11 CSR 45-5.110	Missouri Gaming Commission		46 MoReg 758		
11 CSR 45-5.140	Missouri Gaming Commission		46 MoReg 758		
11 CSR 45-9.108	Missouri Gaming Commission		46 MoReg 759		
11 CSR 45-9.118	Missouri Gaming Commission		46 MoReg 759		
11 CSR 45-12.090	Missouri Gaming Commission		46 MoReg 50	46 MoReg 965	
11 CSR 50-2.020	Missouri State Highway Patrol		45 MoReg 1868	46 MoReg 772	
11 CSR 50-2.030	Missouri State Highway Patrol		45 MoReg 1869	46 MoReg 772	
11 CSR 50-2.080	Missouri State Highway Patrol		45 MoReg 1869	46 MoReg 772	
11 CSR 50-2.090	Missouri State Highway Patrol		45 MoReg 1869	46 MoReg 772	
11 CSR 50-2.160	Missouri State Highway Patrol		45 MoReg 1870	46 MoReg 772	
11 CSR 50-2.200	Missouri State Highway Patrol		45 MoReg 1870	46 MoReg 772	
11 CSR 50-2.270	Missouri State Highway Patrol		45 MoReg 1878	46 MoReg 773	
11 CSR 50-2.300	Missouri State Highway Patrol		45 MoReg 1878	46 MoReg 773	
11 CSR 50-2.310	Missouri State Highway Patrol		45 MoReg 1878	46 MoReg 773	
11 CSR 50-2.340	Missouri State Highway Patrol		45 MoReg 1879R	46 MoReg 773R	
11 CSR 75-16.010	Peace Officer Standards and Training Program		46 MoReg 321	46 MoReg 965	

Rule Changes Since UpdateJune 15, 2021
Vol. 46, No. 12

Rule Number	Agency	Emergency	Proposed	Order	In Addition
11 CSR 90-4.010	Missouri 911 Service Board <i>formally 11 CSR 30-13.010</i>		46 MoReg 696		
11 CSR 90-4.020	Missouri 911 Service Board <i>formally 11 CSR 30-13.020</i>		46 MoReg 696		
11 CSR 90-4.030	Missouri 911 Service Board <i>formally 11 CSR 30-13.030</i>		46 MoReg 697		
11 CSR 90-4.040	Missouri 911 Service Board <i>formally 11 CSR 30-13.040</i>		46 MoReg 697		
11 CSR 90-4.050	Missouri 911 Service Board <i>formally 11 CSR 30-13.050</i>		46 MoReg 698		
11 CSR 90-4.060	Missouri 911 Service Board <i>formally 11 CSR 30-13.060</i>		46 MoReg 698		
11 CSR 90-4.070	Missouri 911 Service Board <i>formally 11 CSR 30-13.070</i>		46 MoReg 699		
11 CSR 90-4.080	Missouri 911 Service Board <i>formally 11 CSR 30-13.080</i>		46 MoReg 700		
11 CSR 90-4.090	Missouri 911 Service Board <i>formally 11 CSR 30-13.090</i>		46 MoReg 701		
11 CSR 90-4.100	Missouri 911 Service Board <i>formally 11 CSR 30-13.110</i>		46 MoReg 702		
DEPARTMENT OF REVENUE					
12 CSR 10-2.019	Director of Revenue	46 MoReg 310	46 MoReg 321	This Issue	
12 CSR 10-24.448	Director of Revenue		46 MoReg 935		
12 CSR 10-25.150	Director of Revenue		45 MoReg 1879	46 MoReg 659	
12 CSR 10-41.010	Director of Revenue	45 MoReg 1832	45 MoReg 1880	46 MoReg 660	
12 CSR 10-102.100	Director of Revenue		45 MoReg 1883	46 MoReg 660	
12 CSR 10-104.050	Director of Revenue		46 MoReg 260	46 MoReg 965	
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 35-31.025	Children's Division		46 MoReg 855		
13 CSR 40-2.015	Family Support Division		46 MoReg 325		
13 CSR 40-7.010	Family Support Division		46 MoReg 327		
13 CSR 40-7.050	Family Support Division		46 MoReg 859		
13 CSR 40-7.080	Family Support Division		45 MoReg 1964	46 MoReg 719	
13 CSR 40-91.020	Family Support Division		46 MoReg 445	46 MoReg 966	
13 CSR 70-3.230	MO HealthNet Division		45 MoReg 1967	46 MoReg 720	
13 CSR 70-10.015	MO HealthNet Division		46 MoReg 612		
13 CSR 70-15.160	MO HealthNet Division		46 MoReg 937		
13 CSR 70-20.045	MO HealthNet Division		46 MoReg 329	46 MoReg 966	
13 CSR 70-20.047	MO HealthNet Division		46 MoReg 329	46 MoReg 966	
13 CSR 70-20.060	MO HealthNet Division	46 MoReg 311	46 MoReg 332	46 MoReg 966	
13 CSR 70-20.070	MO HealthNet Division	46 MoReg 904	46 MoReg 944		
13 CSR 70-20.075	MO HealthNet Division	46 MoReg 905	46 MoReg 944		
13 CSR 70-20.250	MO HealthNet Division		46 MoReg 464	46 MoReg 966	
13 CSR 70-25.110	MO HealthNet Division		46 MoReg 623		
13 CSR 70-40.010	MO HealthNet Division		46 MoReg 702		
13 CSR 70-90.010	MO HealthNet Division	46 MoReg 601 This Issue	46 MoReg 624		
13 CSR 70-94.020	MO HealthNet Division		46 MoReg 863		
ELECTED OFFICIALS					
15 CSR 30-55.060	Secretary of State		46 MoReg 948		
15 CSR 30-55.065	Secretary of State		46 MoReg 948		
15 CSR 40-3.125	State Auditor	46 MoReg 909	46 MoReg 948		
15 CSR 40-3.135	State Auditor	46 MoReg 917	46 MoReg 956		
RETIREMENT SYSTEMS					
16 CSR 20-2.010	Missouri Local Government Employees' Retirement System (LAGERS)		45 MoReg 1967	46 MoReg 660	
16 CSR 20-2.085	Missouri Local Government Employees' Retirement System (LAGERS)		45 MoReg 1967	46 MoReg 660	
BOARDS OF POLICE COMMISSIONERS					
17 CSR 10-2.010	Kansas City Board of Police Commissioners		46 MoReg 624R 46 MoReg 625		
17 CSR 10-2.020	Kansas City Board of Police Commissioners		46 MoReg 632R 46 MoReg 632		
17 CSR 10-2.030	Kansas City Board of Police Commissioners		46 MoReg 636R 46 MoReg 636		
17 CSR 10-2.040	Kansas City Board of Police Commissioners		46 MoReg 637R 46 MoReg 637		
17 CSR 10-2.050	Kansas City Board of Police Commissioners		46 MoReg 647R 46 MoReg 647		
17 CSR 10-2.055	Kansas City Board of Police Commissioners		46 MoReg 651R 46 MoReg 651		
17 CSR 10-2.060	Kansas City Board of Police Commissioners		46 MoReg 655R 46 MoReg 655		
PUBLIC DEFENDER COMMISSION					
18 CSR 10-1.010	Office of State Public Defender			46 MoReg 17	
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 10-4.020	Office of the Director		46 MoReg 704		
19 CSR 20-20.200	Division of Community and Public Health	46 MoReg 493 46 MoReg 747T			
19 CSR 30-1.080	Division of Regulation and Licensure	46 MoReg 42	46 MoReg 51	46 MoReg 773	
19 CSR 30-40.342	Division of Regulation and Licensure				46 MoReg 723
19 CSR 30-81.030	Division of Regulation and Licensure		46 MoReg 334		
19 CSR 60-50	Missouri Health Facilities Review Committee				46 MoReg 665 46 MoReg 972 46 MoReg 973
DEPARTMENT OF COMMERCE AND INSURANCE					
20 CSR	Construction Claims Binding Arbitration Cap			45 MoReg 1978	
20 CSR	Sovereign Immunity Limits			45 MoReg 1978	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 200-22.010	State Legal Expense Fund Cap				45 MoReg 1978
20 CSR 500-6.100	Insurance Solvency and Company Regulation			45 MoReg 376	
20 CSR 500-7.020	Property and Casualty			45 MoReg 376	
20 CSR 500-7.030	Property and Casualty			45 MoReg 377	
20 CSR 500-7.050	Property and Casualty			45 MoReg 377	
20 CSR 500-7.060	Property and Casualty			45 MoReg 379	
20 CSR 500-7.070	Property and Casualty			45 MoReg 379	
20 CSR 500-7.090	Property and Casualty			45 MoReg 380	
20 CSR 500-7.200	Property and Casualty			45 MoReg 381	
20 CSR 700-8.005	Insurance Licensing			45 MoReg 383	
20 CSR 700-8.150	Insurance Licensing			45 MoReg 383	
20 CSR 1140-2.020	Division of Finance			46 MoReg 759R	
20 CSR 1140-2.030	Division of Finance			46 MoReg 760R	
20 CSR 1140-2.035	Division of Finance			46 MoReg 760R	
20 CSR 1140-2.040	Division of Finance			46 MoReg 760R	
20 CSR 1140-2.053	Division of Finance			46 MoReg 760R	
20 CSR 1140-2.060	Division of Finance			46 MoReg 761R	
20 CSR 1140-2.067	Division of Finance			46 MoReg 761R	
20 CSR 1140-2.081	Division of Finance			46 MoReg 761	
20 CSR 1140-2.082	Division of Finance			46 MoReg 762R	
20 CSR 1140-2.090	Division of Finance			46 MoReg 762	
20 CSR 1140-2.100	Division of Finance			46 MoReg 762R	
20 CSR 1140-2.126	Division of Finance			46 MoReg 762R	
20 CSR 1140-6.025	Division of Finance			46 MoReg 763R	
20 CSR 1140-6.030	Division of Finance			46 MoReg 763R	
20 CSR 1140-6.040	Division of Finance			46 MoReg 763R	
20 CSR 1140-6.060	Division of Finance			46 MoReg 763	
20 CSR 2010-2.041	Missouri State Board of Accountancy			45 MoReg 1897	46 MoReg 660
20 CSR 2010-2.061	Missouri State Board of Accountancy			45 MoReg 1899	46 MoReg 661
20 CSR 2010-4.020	Missouri State Board of Accountancy			45 MoReg 1901	46 MoReg 662
20 CSR 2010-4.031	Missouri State Board of Accountancy			45 MoReg 1901	46 MoReg 662
20 CSR 2030-5.120	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects			46 MoReg 54	46 MoReg 773
20 CSR 2030-5.160	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects			46 MoReg 54	46 MoReg 774
20 CSR 2030-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Landscape Architects			46 MoReg 358	46 MoReg 966
20 CSR 2045-1.010	Athlete Agents			46 MoReg 260	46 MoReg 879
20 CSR 2063-6.005	Behavior Analyst Advisory Board			46 MoReg 964	
20 CSR 2120-3.400	State Board of Embalmers and Funeral Directors			46 MoReg 870R	
20 CSR 2120-3.405	State Board of Embalmers and Funeral Directors			46 MoReg 870R	
20 CSR 2120-3.405	State Board of Embalmers and Funeral Directors			46 MoReg 871	
20 CSR 2120-3.410	State Board of Embalmers and Funeral Directors			46 MoReg 874R	
20 CSR 2150-5.025	State Board of Registration for the Healing Arts	46 MoReg 182		46 MoReg 262	46 MoReg 967
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20 CSR 2220-2.685	State Board of Pharmacy			46 MoReg 465	This Issue
20 CSR 2220-6.040	State Board of Pharmacy	46 MoReg 5		46 MoReg 12	46 MoReg 720
20 CSR 2220-6.050	State Board of Pharmacy	46 MoReg 183		46 MoReg 262	46 MoReg 968
20 CSR 2220-7.025	State Board of Pharmacy			46 MoReg 263	46 MoReg 880
20 CSR 2232-1.020	Missouri State Committee of Interpreters			46 MoReg 964	
20 CSR 2234-1.050	Board of Private Investigator and Private Fire Investigator Examiners			46 MoReg 764	
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20 CSR 2235-1.020	State Committee of Psychologists			45 MoReg 1968	46 MoReg 663
20 CSR 2235-1.025	State Committee of Psychologists			45 MoReg 1970	46 MoReg 663
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22 CSR 10-2.047	Health Care Plan	45 MoReg 1853		45 MoReg 1907	46 MoReg 721
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22 CSR 10-3.030	Health Care Plan	45 MoReg 1856		45 MoReg 1909	46 MoReg 721
22 CSR 10-3.055	Health Care Plan	45 MoReg 1857		45 MoReg 1910	46 MoReg 721
22 CSR 10-3.058	Health Care Plan	45 MoReg 1858		45 MoReg 1911	46 MoReg 721
22 CSR 10-3.059	Health Care Plan	45 MoReg 1858		45 MoReg 1911	46 MoReg 722

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1 CSR 10-15.010 Cafeteria Plan46 MoReg 109	Jan. 4, 2021	July 2, 2021
Department of Agriculture			
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2 CSR 30-10.010 Inspection of Meat and Poultry46 MoReg 393	Feb. 11, 2021	Aug. 9, 2021
2 CSR 70-17.010 Definitions . . . . .	.Next Issue	June 10, 2021	Dec. 6, 2021
2 CSR 70-17.100 Sampling Requirements and Results of AnalysisNext Issue	June 10, 2021	Dec. 6, 2021
Department of Higher Education and Workforce Development			
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6 CSR 10-2.190 A+ Scholarship Program46 MoReg 903	May 12, 2021	Feb. 21, 2022
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Division of Workers' Compensation			
8 CSR 50-5.007 Evidence of Occupational Disease Exposure for First Responders46 Mo Reg 305	Feb. 1, 2021	July 30, 2021
Department of Natural Resources			
Clean Water Commission			
10 CSR 20-8.300 Design of Concentrated Animal Feeding Operations46 MoReg 39	Dec. 22, 2020	June 19, 2021
Department of Public Safety			
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11 CSR 75-15.010 Continuing Education Requirement45 MoReg 1831	Jan. 1, 2021	June 29, 2021
11 CSR 75-15.020 Minimum Standards for Continuing Education Training45 MoReg 1832	Jan. 1, 2021	June 29, 2021
Department of Revenue			
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12 CSR 10-2.019 Determination of Withholding for Work Performed at Temporary Work Locations46 Mo Reg 310	Jan. 21, 2021	July 19, 2021
12 CSR 10-41.010 Annual Adjusted Rate of Interest . . . . .	.45 MoReg 1832	Jan. 1, 2021	June 29, 2021
Department of Social Services			
Children's Division			
13 CSR 35-30.020 Immediate Safety Intervention Plan . . . . .	.Next Issue	Aug. 2, 2021	Feb. 24, 2022
13 CSR 35-30.030 Temporary Alternative Placement Agreements (TAPA) . . . . .	.Next Issue	Aug. 2, 2021	Feb. 24, 2022
MO HealthNet Division			
13 CSR 70-20.060 Professional Dispensing Fee . . . . .	.46 Mo Reg 311	Feb. 1, 2021	July 30, 2021
13 CSR 70-20.070 Drug Reimbursement Methodology . . . . .	.46 MoReg 904	July 1, 2021	Feb. 24, 2022
13 CSR 70-20.075 340B Drug Pricing Program46 MoReg 905	July 1, 2021	Feb. 24, 2022
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15 CSR 40-3.125 Calculation and Revision of Property Tax Rates by School Districts46 MoReg 909	May 13, 2021	Dec. 30, 2021
15 CSR 40-3.135 Calculation and Revision of Property Tax Rates by Political Subdivisions Other Than School Districts46 MoReg 917	May 13, 2021	Dec. 30, 2021
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19 CSR 30-1.080 Electronic Prescribing Waiver46 MoReg 42	Dec. 31, 2020	June 28, 2021
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20 CSR 2150-5.025 Administration of Vaccines Per Protocol46 MoReg 182	Jan. 19, 2021	July 17, 2021
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20 CSR 2220-2.200 Sterile Compounding46 MoReg 853	April 28, 2021	Feb. 7, 2022
20 CSR 2220-6.040 Administration by Medical Prescription Order46 MoReg 5	Dec. 11, 2020	June 8, 2021
20 CSR 2220-6.050 Administration of Vaccines Per Protocol46 MoReg 183.	Jan. 19, 2021.	July 17, 2021
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22 CSR 10-2.046 PPO 750 Plan Benefit Provisions and Covered Charges45 MoReg 1852	Jan. 1, 2021	June 29, 2021
22 CSR 10-2.047 PPO 1250 Plan Benefit Provisions and Covered Charges . . . . .	.45 MoReg 1853	Jan. 1, 2021	June 29, 2021

22 CSR 10-2.053	Health Savings Account Plan Benefit Provisions and Covered Charges . . . . .	.45 MoReg 1853 Jan. 1, 2021 June 29, 2021
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members . . . . .	.45 MoReg 1855 Jan. 1, 2021 June 29, 2021
22 CSR 10-3.030	Public Entity Membership Agreement and Participation Period . . . . .	.45 MoReg 1856 Jan. 1, 2021 June 29, 2021
22 CSR 10-3.055	Health Savings Account Plan Benefit Provisions and Covered Charges45 MoReg 1857 Jan. 1, 2021 June 29, 2021
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22 CSR 10-3.059	PPO 1250 Plan Benefit Provisions and Covered Charges .	.45 MoReg 1858 Jan. 1, 2021 June 29, 2021

**Executive
Orders****Subject Matter****Filed Date****Publication****2021**

21-07	Extends Executive Order 20-02, Executive Order 20-04, Executive Order 20-05, Executive Order 20-06, and Executive Order 20-14 until August 31, 2021	March 26, 2021	46 MoReg 750
21-06	Creates and establishes the Show Me Strong Recovery Task Force and rescinds Executive Order	March 22, 2021	46 MoReg 748
21-05	Designates members of his staff to have supervisory authority over departments, divisions and agencies of state government	February 24, 2021	46 MoReg 605
21-04	Extends Executive Order 21-03 until February 28, 2021 and terminates Executive Order 20-17.	February 19, 2021	46 MoReg 603
21-03	Declares a State of Emergency and exempts hours of service requirements for vehicles transporting residential heating fuel until February 21, 2021	February 11, 2021	46 MoReg 495
21-02	Establishes the Office of Childhood within the Department of Elementary and Secondary Education	January 28, 2021	46 MoReg 394
21-01	Terminates Executive Orders 03-11 and 02-05, and modifies provisions of Executive Order 05-06	January 7, 2021	46 MoReg 314

2020

20-21	Modifies the provisions of the Missouri Justice Reinvestment Executive Oversight Council, as established in Executive Order 18-08	December 30, 2020	46 MoReg 185
20-20	Closes state offices December 24, 2020	December 7, 2020	46 MoReg 46
20-19	Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia until March 31, 2021. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20-04. Gov. Parson also extends, in whole, Executive Orders 20-05, 20-06, and 20-08	November 19, 2020	46 MoReg 7
Proclamation	Adds additional measures for consideration during the Second Extra Session of the Second Regular Session of the One Hundredth General Assembly regarding supplemental appropriations to respond to COVID-19	November 12, 2020	45 MoReg 1953
20-18	Closes state offices November 27, 2020	October 30, 2020	45 MoReg 1862
Proclamation	Convenes the Second Extra Session of the Second Regular Session of the One Hundredth General Assembly regarding supplemental appropriations to respond to COVID-19	October 21, 2020	45 MoReg 1860
20-17	Declares a State of Emergency and activates the state militia due to civil unrest in Missouri	September 24, 2020	45 MoReg 1656
20-16	Extends Executive Order 20-12 regarding the activation of the state militia until December 30, 2020	September 15, 2020	45 MoReg 1562
20-15	Establishes the Interagency Task Force on Worker Classification	September 11, 2020	45 MoReg 1559
20-14	Suspends the requirement of physical appearance as stated in Chapter 474 by authorizing the use of audio-visual technology	September 3, 2020	45 MoReg 1557
Proclamation	Amends the matters specifically designated and limited for consideration by the General Assembly in the July 15, 2020 Proclamation	August 10, 2020	45 MoReg 1338
20-13	Extends Executive Order 18-12 regarding the 2020 Census until November 30, 2020	July 31, 2020	45 MoReg 1303
Proclamation	Convenes the one hundredth general assembly of the State of Missouri in the First Extra Session of the Second Regular Session	July 15, 2020	45 MoReg 1220
20-12	Extends the State of Emergency, activation of the State Emergency Operations Plan and activation of the state militia. Gov. Michael Parson also extends, in part, the provisions of Executive Order 20-04. Gov. Parson also extends, in whole, Executive Orders 20-05, 20-06, and 20-08	June 11, 2020	45 MoReg 1064
20-11	Declares a State of Emergency and activates the state militia due to civil unrest in Missouri	May 30, 2020	45 MoReg 990
Proclamation	Calls for a special election on August 4th of 2020	May 26, 2020	45 MoReg 988
20-10	Extends Executive Orders 20-04, 20-05, 20-06, and 20-08 until June 15, 2020	May 4, 2020	45 MoReg 895
20-09	Extends the State of Emergency declared in Executive Order 20-02 until June 15, 2020 and directs the Missouri State Emergency Operations Plan to remain activated	April 24, 2020	45 MoReg 789
20-08	Suspends the requirement of personal appearance before a notary public by authorizing the use of audio-video technology	April 6, 2020	45 MoReg 718
20-07	Waives late penalties for concealed carry permits for 60 days	April 2, 2020	45 MoReg 716
20-06	Activates the state militia in response to the COVID-19 pandemic	March 27, 2020	45 MoReg 587

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20-05	Suspends the prohibition of the sale of unprepared food by restaurants to the public during the current state of emergency	March 23, 2020	45 MoReg 585
20-04	Suspends certain agency regulations to allow them to address the current state of emergency	March 18, 2020	45 MoReg 583
20-03	Postpones the General Municipal Election scheduled for April 7, 2020 until June 2, 2020	March 18, 2020	45 MoReg 580
20-02	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated	March 13, 2020	45 MoReg 529
20-01	Designates supervisory authority over select departments, divisions, or agencies of government	Feb. 03, 2020	45 MoReg 352

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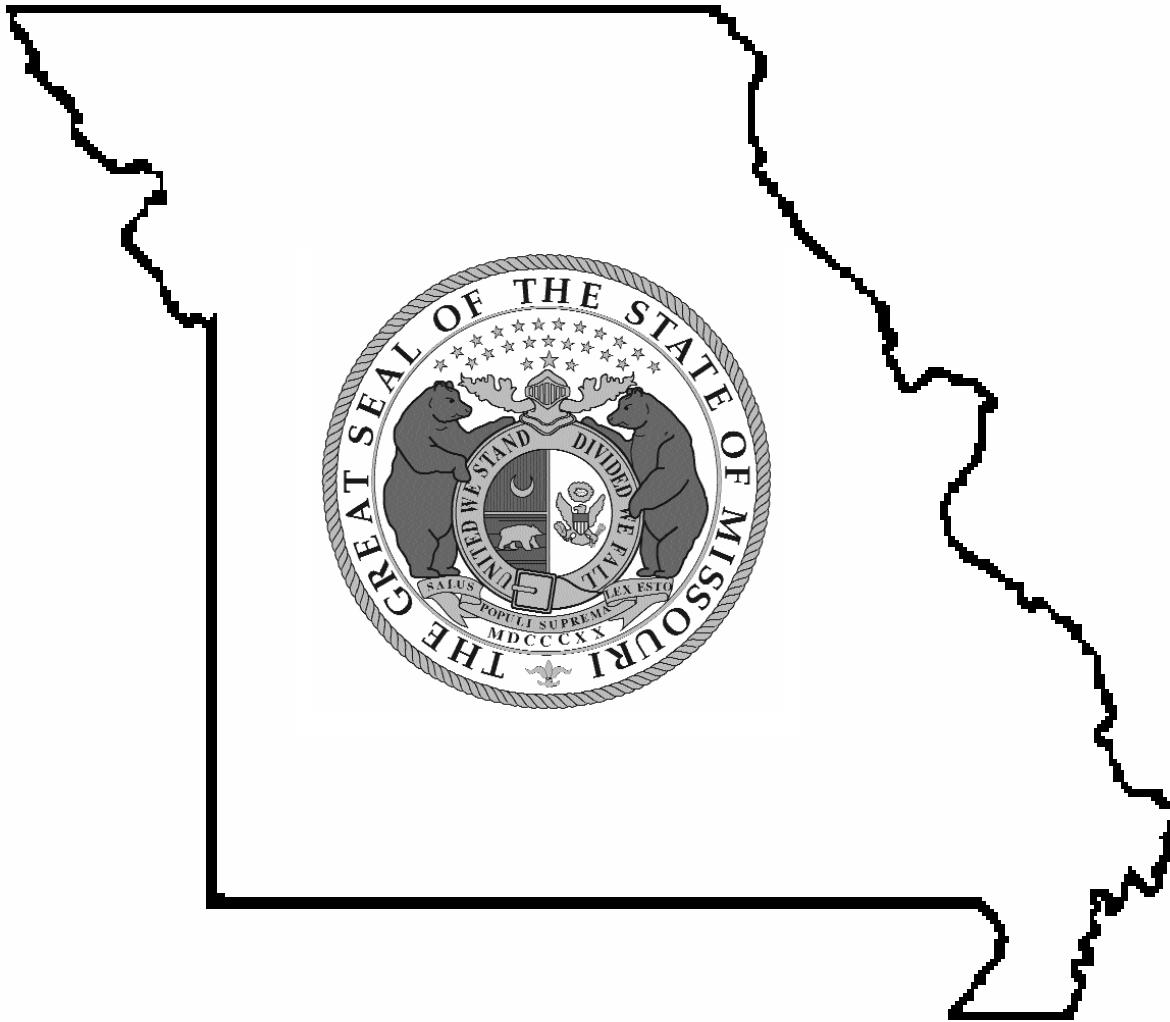
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MISSOURI STATE RULEMAKING MANUAL



**JOHN R. ASHCROFT
SECRETARY OF STATE**

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Administrative Rules Contact Information

General Inquiries

(573) 751-4015

rules@sos.mo.gov

Curtis W. Treat, Editor-in-Chief

(573) 751-2022

curtis.treat@sos.mo.gov

Vonne Kilbourn, Editor

(573) 751-1818

vonne.kilbourn@sos.mo.gov

Jennifer Alex Moore, Associate Editor

(573) 522-2593

jennifer.moore@sos.mo.gov

Jacqueline D. White, Publication Specialist

(573) 526-1259

jacqueline.white@sos.mo.gov

Tammy Winkelmann, Administrative Aide

(573) 751-4015

tammy.winkelmann@sos.mo.gov